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# STATUTES

OF THE

## PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FORTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY

### QUEEN VICTORIA,

Being the Second Session of the Fifth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-EIGHTH DAY OF JANUARY, IN THE YEAR OF OUR  
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE.



212054  
a. 5. 27

HIS HONOUR

THE HONOURABLE JOHN BEVERLEY ROBINSON

LIEUTENANT-GOVERNOR.


Toronto :

PRINTED BY JOHN NOTMAN,

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1885





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## 48 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-five, and for other purposes therein mentioned.

*[Assented to 30th March, 1885.]*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-five ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two million nine hundred and thirty-seven thousand eight hundred and eighty-two dollars and thirty-one cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-five, as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-six, as set forth in schedule B to this Act.

2.

\$2,937,882.31 granted out of the Consolidated Revenue Fund for certain purposes.

Accounts to be  
laid before the  
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December; one thousand eight hundred and eighty-five, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

### SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-five, and the purposes for which they are granted.

#### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House .....	\$ 1,750 00
Lieutenant-Governor's Office.....	3,980 00
Executive Council and Attorney-General's Office .....	15,237 00
Education Department .....	20,929 00
Crown Lands Department .....	45,310 00
Department of Public Works.....	17,730 00
Treasury Department.....	17,075 00
Department of Agriculture .....	1,300 00
Inspection of Public Institutions .....	9,233 33
Secretary and Registrar's Department.....	29,200 00
Department of Immigration.....	1,600 00
Provincial Board of Health .....	7,950 00
Miscellaneous .....	10,150 00
	<hr/> \$181,444 33

#### LEGISLATION.

To defray expenses for Legislation..... \$120,850 00

#### ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$ 57,333 00
Miscellaneous—Criminal and Civil Justice .....	256,590 00
Surrogate Judges.....	16,532 00
	<hr/> \$330,455 00

#### EDUCATION.



## EDUCATION.

To defray expenses of :—

Public and Separate Schools.....	\$240,000 00
Schools in New and Poor Townships..	20,000 00
Model Schools .....	8,800 00
Teachers' Institutes.....	2,000 00
Collegiate Institutes and High Schools.....	85,500 00
Inspection of Public and Separate Schools.....	36,040 00
Inspection of Normal, High and Model Schools	11,250 00
Departmental Examinations .....	8,945 00
Normal and Model Schools, Toronto .....	19,030 00
Normal and Model Schools, Ottawa.....	18,810 00
Educational Depository, Museum and Library..	3,550 00
School of Practical Science.....	6,394 00
Miscellaneous .....	10,810 00
Superannuated Teachers.....	55,000 00
	<hr/> \$526,129 00

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$ 94,065 00
Asylum for the Insane, London .....	122,958 00
Asylum for the Insane, Kingston.....	68,790 00
Asylum for the Insane, Hamilton.....	84,381 00
Asylum for the Insane, Orillia .....	28,475 00
Central Prison, Toronto .....	76,655 00
Provincial Reformatory, Penetanguishene.....	40,460 00
Institution for the Deaf and Dumb, Belleville...	40,067 33
Institution for the Blind, Brantford .....	33,458 00
Mercer Reformatory for Females .....	30,376 00
	<hr/> \$619,685 33

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$19,900 00

## AGRICULTURE, ARTS, LITERARY AND SCIENTIFIC INSTITUTIONS.

To defray expenses of a grant in aid of :—

Agriculture .....	\$126,895 00
Arts .....	31,800 00
Literary and Scientific.....	1,750 00
	<hr/> \$160,445 00

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and  
Charities..... 96,420 54

MAINTENANCE

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

To defray expenses of maintenance and repairs ..... \$48,015 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto.....	\$4,000 00
Asylum for the Insane, London .....	4,950 00
Asylum for the Insane, Hamilton.....	48,056 00
Asylum for the Insane, Kingston .....	24,500 00
Asylum for Idiots, Orillia .....	54,150 00
Reformatory, Penetanguishene .....	825 00
Reformatory for Females, Toronto .....	3,992 67
Central Prison, Toronto .....	7,360 00
Deaf and Dumb Institute, Belleville.....	4,625 00
Blind Institute, Brantford .....	1,230 00
School of Agriculture, Guelph .....	2,000 00
Normal School and Education Office, Toronto...	1,500 00
Normal School, Ottawa .....	1,000 00
School of Practical Science, Toronto.....	500 00
Osgoode Hall, Toronto.....	12,800 00
Government House, Toronto .....	3,000 00
Parliament Buildings .....	3,000 00
District of Algoma .....	2,000 00
Thunder Bay District.....	15,000 00
Nipissing District .....	150 00
Parry Sound District .....	200 00
Muskoka District.....	2,700 00
Provisional County of Haliburton .....	3,000 00
Unorganized Territory .....	600 00
Miscellaneous .....	500 00
	<hr/> \$201,638 67

PUBLIC WORKS.

To defray expenses of Public Works ..... \$57,873 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs..... \$102,900 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands..... \$93,400 00

REFUNDS.

To defray the expenses of the Refund Account..... \$32,802 19

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure..... \$91,469 49

UNFORESEEN



## UNFORESEEN AND UNPROVIDED.

To meet unforeseen and unprovided expenses.....	\$50,000 00
Total Estimates for expenditure of 1885.....	\$2,733,427 55
To cover sundry unforeseen expenses of 1884 .....	174,454 76

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-six, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1886.....	30,000 00
Total.....	\$2,937,882 31

## CHAPTER 2.

An Act to amend the Laws relating to the Franchise and the Representation of the People.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited and known as *The Franchise and Representation Act, 1885.* Short title.

2. Section 2 of *The Election Act*, and its sub-sections, are hereby repealed, and the following is substituted instead thereof: R. S. O., c. 30, s. 2, repealed.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say:—

(1) The word "owner" shall signify and mean proprietor, either in his own right or in the right of his wife, of an estate for life, or any greater estate either legal or equitable. Owner.

(2)

- Occupant. (2) The word "occupant" shall signify and mean a person *bona fide* occupying property otherwise than as owner or tenant, either in his own right or in the right of his wife, but being in possession of such property and enjoying the revenues and profits arising therefrom to his own use.
- Tenant. (3) The word "tenant" shall include any person who instead of paying rent in money is bound to render to the owner any portion of the produce of such property.
- Landholder. (4) The expression "landholder" shall mean and include:
- (a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the last revised assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or the assessed value aforesaid, and
  - (b) Any person actually residing and domiciled in any dwelling house as tenant thereof, where such dwelling house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, and is at not less than such value entered and assessed in the name of such person in the last revised assessment roll of the municipality wherein the same is situate.
- Landholder's son. (5) The expression "landholder's son" shall mean and include a son, step-son, grandson, or son-in-law, as the case may be, of any landholder.
- Wage-earner. (6) The expression "wage-earner" shall mean any person entered in the last revised assessment roll of a city, town, incorporated village or township, as one having or deriving an annual income or wages of not less than two hundred and fifty dollars, but who is not entered or assessed in said roll for a taxable income of at least two hundred and fifty dollars.
- Dwelling-house. (7) The expression "dwelling-house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is a part of the premises belonging to and used with such dwelling.
- Householder. (8) The expression "householder" shall mean any person entered in the revised assessment roll of a city, town, township or incorporated village as sole tenant and occupant of and actually resident in a dwelling-house situate therein, but shall not mean nor include,

(a)

(a) Any person who is so entered or who is actually a joint tenant or occupant of such dwelling-house with any other person ; nor

(b) Any person who is a mere lodger or boarder in a house.

(9) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be. Local Municipality.

(10) The word "election" shall mean an election of a member to serve in the Legislative Assembly. Election.

(11) The expression "to vote" shall mean to vote at the election of a member of the Legislative Assembly. To vote.

(12) The expression "electoral district" shall mean any county or other place or portion of this Province, entitled to return a member to the Legislative Assembly. Electoral district.

(13) The expression "voters' list" shall mean the copy of the voters' list furnished in accordance with section 56 of this Act. Voters' list.

(14) The expression "last revised assessment roll" shall mean the last revised assessment roll of a city, town, incorporated village or township. Last revised assessment roll.

(15) The expression "corrupt practices" or "corrupt practice" shall mean bribery, treating and undue influence, or any of such offences as defined by this or any Act of the Legislature, or recognized by the Common Law of the Parliament of England ; also any violation of sections 151, 154, or 156 of this Act, and any violation of section 157 of this Act during the hours appointed for polling. Corrupt practice

3. Section 7 of *The Election Act*, and its sub-sections, are hereby repealed, and the following is substituted there- R. S. O., c. 10, s. 7, repealed. for :—

7. The following persons, and no others, being males and of the full age of twenty-one years, and subjects of Her Majesty by birth or naturalization, and not being disqualified under the preceding sections, or otherwise by law prevented from voting, shall, if duly entered on the list of voters proper to be used at the election then pending, according to the provisions of *The Voters' Lists Act*, or of this Act, be entitled to vote at elections of members to serve in the Legislative Assembly of this Province, that is to say :— Who may vote at elections.

*Firstly.*—Every male person entered on the revised assessment roll, upon which the voters' list to be used at the election is based for any city, town, incorporated village or township, for real property of the value hereinafter mentioned, and being at the time of the final revision and correction of said assessment roll, and also at the time of the election, a resident of and domiciled within the Electoral District for which he claims to vote. Real property qualification.



Value of real  
property  
necessary.

(2) Such person must (subject to the provisions hereinafter contained) have been rated on such assessment roll as the owner, tenant or occupant of real property of the actual value of not less than the following:—

In cities and towns, two hundred dollars;

In incorporated villages and townships, one hundred dollars;

Joint owners.

(3) Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each of them shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

Income  
franchise.

*Secondly.*—Every male person who is residing at the time of the election in the local municipality in which he tenders his vote and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, occupation, calling, office or profession of not less than two hundred and fifty dollars annually, and has been assessed for such income in and by the assessment roll of the municipality upon which the voters' list used at the election is based.

Wages  
franchise.

*Thirdly.*—Every male person entered on the last revised assessment roll as a wage-earner who is residing at the time of the election in the local municipality in which he tenders his vote, and has resided therein continuously since the completion of the last revised assessment roll of the municipality, and who has during the twelve months next prior to being so entered, derived or earned wages or income from some trade, occupation, calling, office, or profession of not less than two hundred and fifty dollars.

(2) In estimating or ascertaining the amount of wages or income so earned or derived by any person so entered as a wage-earner in the assessment roll of a municipality, not being a city, town or village, the fair value of any board or lodging furnished or given to or received or had by such person as or in lieu of wages or as part thereof shall be considered or included.

Householder.

*Fourthly.*—Every male person entered as a householder in the last revised assessment roll of the local municipality in which he tenders his vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of said last revised assessment roll.

Landholders'  
sons.

*Fifthly.*—Every landholder's son who is resident at the time of the election in the local municipality in which he tenders his vote, and has resided therein with and in the residence or dwelling

dwelling of the landholder whose son he is, for twelve months next prior to the return by the assessors of the assessment roll on which the voters' lists used at the election is based, and who has been duly entered and named in said assessment roll as such landholder's son.

- (2) Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's son to vote under this Act.

*Sixthly.*—Where there is a voters' list, all Indians, or persons with part Indian blood, who have been duly enfranchised, and all Indians or persons with part Indian blood who do not reside among Indians, though they participate in the annuities, interest, moneys and rents of a tribe, band or body of Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions as other persons in the electoral district ;

- (2) But the Indians or persons with part Indian blood who are entitled to vote where there is no voters' list shall be only the following, namely:—  
 "All Indians, or persons with part Indian blood, who have been duly enfranchised, and all unenfranchised Indians or persons with part Indian blood who do not participate in the annuities, interest, moneys, or rents of a tribe, band or body of Indians, and do not reside among Indians, subject to the same qualifications in other respects, and to the same provisions and restrictions, as other persons in the electoral district."

- (3) Where there is no voters' list any person alleged by a candidate, or the agent of a candidate, to be an Indian, or person with part Indian blood, shall, if required by such candidate or agent, or by the returning officer, take the following oath or affirmation in addition to any other oath required by a voter under the law:—

You swear that you do not participate in the annuities, interests, moneys or rents of any tribe, band or body of Indians, and do not reside among Indians.

Or, at his option, the following:—

You swear that you are not an Indian, nor a person with part Indian blood.

*Seventhly.*—In such of the municipalities, townships and places in the Electoral Districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka and Parry Sound as have no assessment roll, and subject to the provisions hereinafter contained,

tained, every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and is actually and *bona fide* owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

(2) A person is not an owner within the meaning of the said provision designated seventhly, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.

(3) In any part of the Electoral District of Algoma West, Algoma East, Muskoka, or Parry Sound in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.

*Eighthly.*—No person shall be entitled to vote in unorganized territory on property which is wholly or partly in an organized municipality.

R. S. O., c. 10, ss. 8-10; 41 V., c. 21, s. 3, sub-s. 3; 42 V., c. 4, s. 14; and 47 V., c. 4, s. 14, repealed. 4. Sections 8, 9 and 10 of *The Election Act* and sub-section 3 of section 3 of *The Voters' Lists Finality Act*, and section 14 of the Act passed in the 42nd year of the reign of Her Majesty and chaptered four, and section 14 of *The Election Law Amendment Act, 1884*, are hereby repealed.

46 V., c. 2, s. 5, repealed. 5. Section 5 of *The Election Amendment Act, 1883*, is hereby repealed and the following is substituted therefor:—

5. The following is substituted for sub-section 2 of section 91 of *The Election Act* as amended by the 17th section of the Act passed in the 42nd year of Her Majesty's reign, chaptered 4:—

Voter may select form of oath in certain cases.

(2) Any person whose name is entered upon said list of voters as owner, tenant or occupant of real estate, or as a landholder's son, or as a householder, and who is required to take such oath or affirmation as aforesaid, shall be at liberty to select for himself for that purpose either of the said forms numbered 18 and 20 in Schedule A, whatever may be the description either in the voters' list or assessment roll as to the qualification or character in respect of which he is entered upon the said list or roll; and where the person claims to be entitled to vote in respect of taxable income or as a wage-earner, the oath or affirmation to be taken shall be according to form 19 in said Schedule



Schedule A, and where the person claims to be entitled to vote in respect of a supplementary voters' list in any of the cases mentioned in sections 75 and 77 of this Act, the oath or affirmation to be taken shall be according to form 21 in said Schedule A.

6. The forms of oaths or affirmations to be taken by voters shall be the forms appended to this Act, and numbered 18, 19, 20 and 21, which are respectively substituted for the forms numbered 18, 19, 20 and 21, in Schedule A to *The Election Act*, as amended Forms of oath.

(1) By the Act passed in the forty-second year of Her Majesty's reign, chaptered four, and

(2) By *The Election Amendment Act, 1883*;

But nothing in this Act contained shall be deemed or construed as repealing, altering, or affecting any of the provisions of sections 22 and 23 of *The Election Law Amendment Act, 1884*, or any of the forms of oaths in the schedules to said last mentioned Act contained or set forth.

7. The Legislative Assembly shall be composed of ninety members, and the Province shall, for the purposes of the election of members to serve in the Legislative Assembly, continue to be divided into the Electoral Districts established by the Revised Statutes of Ontario, chapter 8, each represented as it now is, except as and where altered by this Act; Provided always, however, that until section 10 of this Act and its sub-sections are in full force and effect, said Legislative Assembly shall be composed of eighty-nine members only. Legislative Assembly to consist of ninety members.

8. The present Electoral District of Algoma shall be divided into two Ridings, for the purposes of representation in the Legislative Assembly, and each of such Ridings shall form an Electoral District, to be called respectively Algoma West and Algoma East, and each Riding shall return one member. Algoma.

(a) Algoma West shall consist of all that part of said Electoral District situate west of the meridian of eighty-seven degrees of west longitude, being all that part of Algoma District known as the Provisional Judicial District of Thunder Bay.

(b) Algoma East shall consist of all the rest and remainder of the aforesaid Electoral District of Algoma.

9. (1) In such of the municipalities, townships and places in the Electoral Districts of Algoma West and Algoma East as have no assessment roll, the only persons entitled to vote at elections of members to serve in the Legislative Assembly of this Province, shall be every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at Voters in Algoma.  
the

the time of the election a resident of and domiciled within the Electoral District for which he claims to vote, and who is actually and *bona fide* the owner of real estate in such electoral district of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next preceding the election.

- (2) A person is not an owner within the meaning of this section, where the land of which he claims to be owner has never been granted or patented by the Crown, and a person who is a mere lodger or boarder in a house is not a "resident householder" in respect of such house.
- (3) In any part of the said Electoral Districts in which there is no assessment roll or voters' list, residence by an owner shall be necessary for the same period as residence by a householder, in order to qualify a voter.
- (4) No person shall be entitled to vote in unorganized territory, in either of said Electoral Districts, on property which is wholly or partly in an organized municipality.

Bruce.

**10.** (1) The present division of the County of Bruce into two Ridings is hereby abolished, and the said County shall be divided into three Ridings, to be called respectively the South, the Centre, and the North Riding of the County of Bruce, and each Riding shall return one member.

- (a) The South Riding shall consist of the Townships of Brant, Carrick, Culross and Kinloss, the Town of Walkerton, and the Villages of Lucknow and Teeswater.
- (b) The Centre Riding shall consist of the Townships of Greenock, Kincardine, Elderslie and Huron, the Town of Kincardine, and the Villages of Paisley and Chesley.
- (c) The North Riding shall consist of the Townships of Bury St. Edmunds, Lindsay, Eastnor, Albermarle, Amabel, Arran, Saugeen and Bruce, and the Villages of Southampton, Port Elgin, Wiarton, Tara and Tiverton.

Leeds and  
Grenville.

(2) The present three Ridings of the Counties of Leeds and Grenville are hereby abolished, and that portion of the said territory which remains after constituting the Electoral District of Brockville shall be divided into two Counties, to be called respectively the County of Leeds, and the County of Grenville, and each County shall return one member.

- (a) The County of Leeds shall consist of the Township called the Front of Leeds and Lansdowne, the Town-  
ship

ship called the Rear of Leeds and Lansdowne, the Townships of South Crosby, North Crosby, Bastard and South Burgess, Kitley and Elmsley South, and the Villages of Gananoque and Newboro'.

- (b) The County of Grenville shall consist of the Townships of Augusta, Edwardsburgh, Oxford, Wolford and South Gower, the Town of Prescott, and the Villages of Kemptville, Merrickville and Cardinal.

(3) The present three Ridings of the County of Simcoe are <sup>Simcoe</sup> hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the Electoral Districts of Cardwell, Muskoka, and Parry Sound, shall be divided into three Ridings, to be called respectively the East, the Centre, and West Riding of the County of Simcoe, and each Riding shall return one member.

- (a) The East Riding shall consist of the Townships of Tay, Orillia, Matchedash, Medonte and Oro, the Towns of Orillia, and Penetanguishene, and the Village of Midland.

- (b) The Centre Riding shall consist of the Townships of Tiny, Vespra, Flos and Sunnidale, and the Town of Barrie.

- (c) The West Riding shall consist of the Townships of Tossorontio, Essa and Nottawasaga, the Town of Collingwood, and the Villages of Stayner and Alliston.

(4) The present division of the City of Toronto into two <sup>Toronto</sup> Electoral Districts is hereby abolished, and the said city shall hereafter form one Electoral District and shall return three members.

- (a) The Town of Parkdale adjoining the said city shall, for the purposes of this Act and for the return of the said three members, be added to and included in the said Electoral District of the City of Toronto.

- (b) At a contested election for the electoral district of said city no person shall vote for more than two candidates.

- (c) The fifteenth section of the forty-sixth chapter of the Acts passed in the forty-sixth year of Her Majesty's reign, entitled *An Act respecting the City of Toronto and the Village of Yorkville and other matters*, is hereby repealed.

(5) The Electoral District of Muskoka and Parry Sound <sup>Muskoka and Parry Sound.</sup> is hereby divided into the Electoral District of Muskoka and the Electoral District of Parry Sound, and each district shall return one member.

- (a) The Electoral District of Muskoka shall consist of all the municipalities and territory comprising the Territorial District of Muskoka. (b)



- (b) The Electoral District of Parry Sound shall consist of all the municipalities and territory comprising the Territorial District of Parry Sound.

Victoria.

(6) The present Ridings of North and South Victoria are hereby abolished, and the said county shall be divided into two Ridings, to be called respectively West Victoria and East Victoria, and each Riding shall return one member.

- (a) The West Riding shall consist of the Townships of Ops, Mariposa, Eldon, Carden and Dalton; the Town of Lindsay and the Village of Woodville.

- (b) The East Riding shall consist of the Townships of Emily and Verulam; the Villages of Omemee and Bobcaygeon, and all of the other municipalities, including the Provisional County of Haliburton, which heretofore formed the Riding of North Victoria, except only the aforesaid municipalities of Dalton, Carden, Eldon and Woodville.

Township of  
Tuscarora  
added to North  
Brant.

- (7) The Township of Tuscarora, now belonging to the Electoral District of South Brant, shall be added to and included in the Electoral District of North Brant.

Brockville.

- (8) The Electoral District of Brockville shall consist of the Town of Brockville, and the Township of Elizabethtown, the Township called Front of Yonge, the Township called Rear of Yonge and Escott, and the Township called Front of Escott.

Cardwell.

- (9) The Electoral District of Cardwell shall consist of the Townships of Albion, Adjala, Tecumseth, Innisfil and West Gwillimbury, and the Villages of Bolton and Bradford.

Township of  
East Luther  
added to  
Dufferin.

- (10) The Township of East Luther, forming part of the County of Dufferin for municipal purposes, but now belonging to the Electoral District of Centre Wellington, shall be added to and included in the Electoral District of the County of Dufferin.

Township of  
Caledon added  
to Peel.

- (11) The Township of Caledon, now belonging to the Electoral District of Cardwell, and being part of the County of Peel, shall be added to and included in the Electoral District of the County of Peel.

Cornwall  
and  
Stormont.

- (12) The Electoral District of Cornwall is hereby abolished, and the Town and Township of Cornwall shall be added to and included in the Electoral District of the County of Stormont, and the said District shall hereafter be called the Electoral District of Cornwall and Stormont.

Township of  
Kingston and  
Village of  
Portsmouth  
added to City  
of Kingston.

- (13) The Township of Kingston and the Village of Portsmouth, now belonging to the Electoral District of the County of Frontenac, shall be added to and included in the Electoral District of the City of Kingston.

(14) The Township of Pilkington, now belonging to the South Wel-  
 Riding of Centre Wellington, shall be added to and included in lington, East  
 the Riding of South Wellington, and the Township of Arthur Wellington,  
 and the Town of Mount Forest now belonging to the Riding West Well-  
 of West Wellington, shall be added to and included in ington.  
 the Riding of Centre Wellington, which said last mentioned Riding  
 shall hereafter be known as and called the East Riding of the  
 County of Wellington; the Village of Arthur shall continue to  
 form part of and be included in the Electoral District of West  
 Wellington.

(15) The Electoral District of the County of Frontenac shall Frontenac.  
 consist of the Townships of Wolfe Island, Pittsburgh, Howe  
 Island, Storrington, Loughboro, Portland and Bedford, and the  
 Village of Garden Island.

(16) The Electoral District of the County of Addington shall Addington.  
 consist of the Townships of Camden, Sheffield, Hinchinbrooke,  
 Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon,  
 Palmerston, Effingham, Abinger, Miller, North and South Ca-  
 nonto, Ashby and Denbigh, and the Village of Newburgh.

(17) The Township of Proton, now belonging to the East South Grey  
 Riding of the County of Grey, shall be added to and included and Centre  
 in the South Riding of the County of Grey, and the Township Grey.  
 of Sullivan, now belonging to the North Riding of the County  
 of Grey, shall be added to and included in the East Riding of  
 the County of Grey, which latter Riding shall hereafter be  
 called the Riding of Centre Grey.

(18) The City of St. Thomas, now belonging to the East West Elgin  
 Riding of the County of Elgin, shall be added to and included and East  
 in the West Riding of the County of Elgin, and the Village of Elgin.  
 Port Stanley, now belonging to the West Riding of the County  
 of Elgin, shall be added to and included in the East Riding of  
 the County of Elgin.

(19) The Village of Richmond Hill, now belonging to the Richmond  
 West Riding of the County of York, shall be added to and Hill added to  
 included in the East Riding of the County of York. East York.

(20) The Township of Anderdon now belonging to the South North and  
 Riding of the County of Essex, shall be added to and included South Essex.  
 in the North Riding of the County of Essex, and the Township  
 of Tilbury West, now belonging to the North Riding of the  
 County of Essex, shall be added to and included in the South  
 Riding of the County of Essex.

(21) The Township of Reach, the Village of Port Perry, and South Ontario.  
 the Municipality of Scugog Island, now belonging to the North  
 Riding of the County of Ontario, shall be added to and included  
 in the South Riding of the County of Ontario.

(22) That part of the Village of Blythe heretofore belong- West Huron.  
 ing to the East Riding of the County of Huron, shall be added  
 to and included in the West Riding of the County of Huron;  
 2 and

and that part of the Township of Turnbury heretofore belonging to the West Riding of the County of Huron shall be added to and included in the East Riding of the County of Huron.

City of London.

(23) The Town of London East, now belonging to the East Riding of the County of Middlesex, shall be added to and included in the City of London.

South Perth.

(24) The Township of Logan, now belonging to the North Riding of the County of Perth, shall be added to and included in the South Riding of the County of Perth.

"Village,"  
meaning of.

(25) The word "Village," where mentioned in this section shall mean an incorporated or police village.

Sects. 7, 8 and  
10 to be read  
with R. S. O.,  
c. 8.

**11.** Sections 7, 8 and 10 of this Act shall, as they respectively come into force and effect, be read with and construed, as part of chapter 8 of the Revised Statutes of Ontario.

Amendments  
of particular  
sections.

**12.** (1) Section 3 of chapter 4 of the Acts passed in the forty-second year of Her Majesty's reign is hereby amended by omitting therefrom the word "Algoma" wherever the same occurs in said section, and inserting instead thereof the words, "the Electoral District of Algoma West and the Electoral District of Algoma East."

(2) The said section 3 is further amended by omitting therefrom the words "that Electoral Division" where the same occur in the eleventh and twelfth lines of said section, and inserting instead thereof the words, "said Electoral Districts respectively."

(3) The said section 3 is further amended by omitting therefrom the words "that Electoral District" where the same occur in the fifteenth line of said section, and inserting instead thereof the words "the same."

(4) Section 5 of said chapter 4 is also hereby amended by inserting therein after the word "Algoma" the words "West, and the Electoral District of Algoma East," and by omitting therefrom the words "as heretofore."

(5) Sections 4 and 6 of said chapter 4, and sub-section 2 of section 30 of *The Election Act*, and section 190 of said last mentioned Act, are also hereby amended by omitting from each of said sections and from said sub-section the words "Algoma, and of Muskoka and Parry Sound," and inserting instead thereof the words "Algoma West, Algoma East, Muskoka and Parry Sound."

(6) Sections 78 and 92 of *The Election Act*, as amended by *The Election Law Amendment Act, 1884*, are hereby further amended by omitting therefrom respectively the words "Algoma, North Victoria," and inserting instead thereof the words "Algoma East, Algoma West, East Victoria."

(7)



(7) Section 17 of *The Election Law Amendment Act, 1884*, is hereby amended by omitting therefrom the words "district of Algoma," and inserting instead thereof the words "Electoral Districts of Algoma West and Algoma East."

13. Nothing in this Act shall be construed as effecting a Registry change in the boundaries of any Riding for the purpose of divisions not affected. registry of titles to lands.

14. Nothing in this Act contained shall affect the Electoral District Agricultural Societies as heretofore constituted. nor shall the change hereby made of a municipality from one Riding or Electoral District to another have the effect of transferring such municipality to another Electoral District Agricultural Society: but nothing in this section contained shall prevent the municipalities forming the Electoral Districts of Algoma East and West and of Muskoka and Parry Sound from forming and constituting new Electoral District Societies. Electoral District Agricultural Societies not affected.

15. Section 57 of *The Controverted Elections Act* is hereby amended by adding thereto the following provisions: "And therein may determine all questions of law or fact which the Judges disagreeing might or should have determined, and in the same manner as in the opinion of the Court of Appeal the disagreeing Judges should have done; and in such case the Registrar of the Court of Appeal shall thereupon certify to the Speaker, or if there is no Speaker, to the Clerk of the House, the judgment and decision of the Court upon the case, in the same manner, and to the same effect, as according to the judgment and decision of the Court of Appeal, the trial judges should have done." R. S. O. c. 11, s. 57, amended. Powers of Court of Appeal when Judges at trial disagree.

"(2) Or instead of determining all questions of law or fact, the Court of Appeal may refer the case back to the Trial Judges, with such declarations and directions as the said Court of Appeal may think fit; and the Trial Judges shall thereupon dispose of the case (including costs) in accordance with, and so as to give effect to such declarations and directions, and the said Trial Judges shall certify to the Speaker or Clerk as the case may require."

16. The said 57th section of *The Controverted Elections Act* shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise, as if the words and provisions hereinbefore in the next preceding section set forth were in the said Act at the time of the passing thereof; and effect as aforesaid is to be given thereto notwithstanding any order, judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or Trial Judges. Effect to be given to R. S. O. c. 11, s. 57, as amended.

17. (1) Section 16 of the *Revised Statute respecting the Legislative Assembly* is amended by inserting after the word "Judge," R. S. O. c. 12, ss. 16 and 17 amended.

"Judge," in the third line, the words "or Judges"; and by inserting after the word "void" in the fourth line the words "or of a certificate of the Registrar of the Court of Appeal, certifying that the election was void."

(2) Section 17 of the said Act is hereby amended by striking out the words "from the Judge determining any election petition" in the second line of the said section, and inserting in lieu thereof the following words, "as in the preceding section mentioned."

(3) Sections 16 and 17 of the said Act shall be construed and have effect in every case which has heretofore arisen, or is now pending, or which shall hereafter arise as if the said words were in the said Statute at the time of the passing thereof; and notwithstanding any order, or judgment, or decision heretofore made or pronounced in the case by the Court of Appeal or the Trial Judges.

Construction  
of R. S. O.  
c. 10, ss. 161,  
162, declared.

18. Sections 161 and 162 of *The Election Act* (Chapter 10 of the Revised Statutes), were intended to be construed and shall hereafter be construed both as respects acts heretofore done, and acts which may be hereafter done as if the said sections had at the time of the passing thereof been expressed as the same were amended by the 28th and 29th sections of *The Election Law Amendment Act, 1884*:

And it is hereby declared and enacted that, by the true intention of the said sections, and the 38th section of *The Controverted Elections Act* the practices mentioned in the 161st section aforesaid and therein called corrupt practice was and is such practice only as should be committed with corrupt intent, and involved moral culpability, and as should be so found by the joint decision of the judges trying the petition against the candidate, (in this Act called the Trial Judges), or by the Court of Appeal; and the practices so mentioned in the said 161st section did not and does not include any practice not found by such joint decision or by the Court of Appeal, to be of the character aforesaid; and the said practices did not and does not include a practice committed (as provided by the 162nd section) "without any corrupt intent, and in an ignorance which was involuntary and excusable, and where the evidence shewed the candidate to have honestly desired and in good faith endeavoured as far as he could to have the election conducted according to law," and did not and does not include a practice which is designated in the 164th section of the said *Election Act* as "a merely technical breach of law," and a practice "not being an intentional violation of law, and not involving moral culpability;"

And the said declarations and enactments of this section are for all purposes to be construed and to have effect from the time of the passing of the said Revised Statutes, as if the same had been expressed therein according to the hereby declared intention of the said enactments.

19. Whereas at a court held in pursuance of *The Controverted Elections Act* for the trial of a petition against the return of John Francis Dowling as member of the Legislative Assembly for the Electoral Division of the South Riding of the County of Renfrew at the general election held in February, 1883, the election of the said John Francis Dowling was by the said court declared to be void, and it appears by the certificates or reports of the judges who composed the said court, "that there was no reason to believe that corrupt practices extensively prevailed at said election," and that the said judges differed as to "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act*;" one of the said judges certifying that the difference was, "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act* in paying or consenting to the payment of the travelling expenses of certain voters to convey them to the poll;" the other of the said judges certifying the difference to be as to "whether the said John Francis Dowling was guilty of a corrupt practice under section 161 of *The Election Act*, he having committed an illegal act under section 154 of the said Act in sanctioning the payment of voters' travelling expenses at such election, but without any corrupt intent, and in ignorance which was involuntary and excusable under a belief that so long as he did not personally bear or pay the said expenses it was not illegal, and under the belief that the said voters were bound or were willing to repay the said expenses, or allow them to be deducted from their wages;" and further, the said judge certified "that the evidence shewed the said John Francis Dowling to have honestly desired and in good faith endeavoured as far as he could to have the said election conducted according to law;" all which more fully appears by the respective certificates or reports of the said judges, entered upon the Journals of the Legislative Assembly, of the 24th January, 1884;

J. F. Dowling  
declared duly  
qualified for  
election, etc.

And whereas under these circumstances it would be contrary to the intention of the Legislature, and would therefore be unjust, that the said John Francis Dowling should be subject to the disqualifications and other penalties and consequences intended only for acts found by the joint decision of the two Trial Judges, or by the Court of Appeal, to have been committed with corrupt intent, and to be acts involving moral culpability;

It is therefore hereby declared and enacted that the said John Francis Dowling was not and is not, by virtue of the said reports or either of them, or of any finding, matter or thing therein contained, or of any judgment or order founded thereupon, to be deemed or held to have been guilty of a corrupt practice within the meaning of the said 161st section, and was not by reason of the said reports or either of them or anything therein contained, or of any judgment or order founded thereupon,



upon, rendered incapable of being elected to or of sitting in the Legislative Assembly, or being entered in any voters' list as a voter, or voting at any election, or holding any office at the nomination of the Crown or Lieutenant-Governor of Ontario, or any municipal office, as respectively mentioned in the said 161st section;

And it is further declared and enacted, that the said John Francis Dowling did not by means of the said reports or any judgment or order founded thereon, become, and was not and is not by reason thereof, incapable, or ineligible, or disqualified, within the meaning of the 11th section of the *Act respecting the Legislative Assembly*, or of the 161st section of *The Election Act* as aforesaid or of any other section or provision of either of the said Acts; and it is hereby declared and enacted that notwithstanding any report, certificate, finding, determination or judgment whatsoever heretofore made, given, rendered, found or adjudged by the said trial Judges or either of them, or by the said Court of Appeal, the said John Francis Dowling was and has always been duly qualified to be elected and returned as and to be a member of the Legislative Assembly of the Province of Ontario; and he is hereby indemnified and exonerated from all liability to any penalty or other responsibility, and from any suit, demand or judgment which may have been or may be hereafter brought or rendered against him with respect to any such penalty or responsibility, for sitting or voting in the said Legislative Assembly while not otherwise disqualified than by the said reports, or any judgment, decision or order founded thereupon.

Act may be  
pleaded as a  
bar to any  
action.

20. This Act may be pleaded as a bar and discharge to any petition or action pending or which may be filed or brought against the said John Francis Dowling for any matter, cause or thing mentioned in this Act, and shall also be a discharge of any judgment, decree or order for any such penalty as is mentioned in the next preceding section, and any costs in such judgment.

Commence-  
ment of Act.

21. The several sections and provisions of this Act shall come into force and have effect as follows:

(1) Sections 2 to 6 both inclusive of this Act shall come into force and have effect on, from and after the first day of January next after the passing of this Act, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with respect to any such last-mentioned assessment roll or assessment, and any list of voters based thereon, the said sections of this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and shall have effect on, from and after said first day of July.

(2)

(2) Section 10 of this Act shall come into force and have effect on, from and after the dissolution or end of the present Legislative Assembly.

(3) All the other sections and provisions of this Act shall come into force and have effect on, from and after the passing of this Act.

(4) For the purposes of this section the expression "list of voters" shall mean the alphabetical list of voters prepared and made under and according to the provisions of *The Voters' Lists Act*, and of any Act amending the same.

## SCHEDULE.

### FORM 18.

(Referred to in R. S. O. c. 10, Section 91.)

#### FORM OF OATH OF PERSON VOTING AS OWNER, TENANT OR OCCUPANT OF REAL ESTATE, OR AS A HOUSEHOLDER.

You swear (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you ; (2) That on the (3) \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ you were actually, truly and in good faith possessed to your own use and benefit, as either owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is as aforesaid entered on the said list of voters, and are as such entitled to vote at this election ;

That you were at the time of the final revision and correction of the assessment roll on which said list of voters is based and are now actually and in good faith a resident of and domiciled within this electoral district ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER, to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you,*" substitute "*on the list of voters for the Municipality of \_\_\_\_\_,*" naming the municipality mentioned in the certificate.

FORM

## FORM 19.

(Referred to in R. S. O. c. 10, Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME,  
OR AS A WAGE-EARNER.

You swear (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you ; (2) That on the (3) \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ you were, and thenceforward have been continuously and still are a resident of this municipality ;

That at the said date, and for twelve months previously, you were from your trade, occupation, office, calling or profession, in receipt of an income or wages amounting to a sum not less than two hundred and fifty dollars ; (4).

That you are of the full age of twenty one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "swear" substitute "*solemnly affirm.*"

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4) If the municipality in which the voter is voting is a Township there must be added at the end of this clause of the oath the words following:—"Estimating as 'part of said income or wages the fair value of any board or lodging had, given to, 'or received by me during the said twelve months as or in lieu of wages.'"

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of \_\_\_\_\_*," naming the municipality mentioned in the certificate.

## FORM 20.

(Referred to in R. S. O. c. 10, Section 91.)

## FORM OF OATH FOR A LANDHOLDER'S SON.

You swear (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the list of voters now shewn to you ; (2) That on the (3) \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight

hundred and \_\_\_\_\_, A. B. (4) was, as you verily believe actually, truly, and in good faith possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property ;

That you are a son (6) of the said A. B. ; (4)

That



That you resided within this municipality with the said A. B., for, and during the whole of the twelve months next before the return by the Assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily and not more than six months in all ;

That you are still a resident of this Electoral District, and are entitled to vote at this election ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based ;

(4) The name of the voter's father, or step-father, or mother, or step-mother should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her*."

(6) If the voter is voting as a "*stepson*," or "*grandson*," or "*son in-law*," then for the word "*son*" substitute the word "*stepson*," or "*grandson*," or "*son in-law*" as the case may be.

NOTE.—In the oath administered to a Deputy Returning Officer, poll-clerk, or agent voting UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*," substitute "*on the list of voters for the Municipality of*," naming the municipality mentioned in the certificate.

#### FORM 21.

(Referred to in R. S. O., c. 10, Section 91.)

FORM OF OATH TO BE TAKEN BY VOTER ON A SUPPLEMENTARY LIST OF VOTERS, MADE WHERE ADDITIONS HAVE BEEN MADE TO A CITY, TOWN OR VILLAGE, OR A NEW VILLAGE HAS BEEN FORMED COMPOSED OF TERRITORY SITUATED IN TWO OR MORE ELECTORAL DISTRICTS.

You *swear* (1) that you are the person named or purporting to be named by the name of \_\_\_\_\_ on the supplementary list of voters now shewn to you ; (2)

That on the (3) \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_ you were actually, truly and in good faith possessed to your own use and benefit as owner, tenant or occupant, in your own right or in the right of your wife, of the real estate in respect of which your name is entered on the said supplementary list of voters, and are as such entitled to vote at this election ;

That you are actually and in good faith a resident of and domiciled within this Electoral District ;

That you are of the full age of twenty-one years ;

That you are a subject of Her Majesty either by birth or by naturalization ;

That

That you have not voted before at this election, either at this or any other polling place ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election.

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is AT THE CHOICE OF THE VOTER to be EITHER the day certified by the Clerk of the Municipality to be the date of the RETURN by the Assessor of the assessment roll upon which the voters' list used at the election is based ; or the day so certified to be the date when by law the said roll was to be considered and taken as FINALLY REVISED.

NOTE.—In the oath administered to a Deputy Returning Officer, poll clerk or agent, VOTING UPON A CERTIFICATE issued under Sec. 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the Municipality of*," naming the municipality mentioned in the certificate.

## CHAPTER 3.

### An Act to further amend the Voters' Lists Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Short title.

1. This Act may be cited as *The Voters' Lists Amendment Act, 1885*.

R.S.O. c. 9, s. 2, repealed.

2. Section 2 of *The Voters' Lists Act* and its sub-sections, are hereby repealed, and the following is substituted therefor :

Clerk to make list of voters.

2. (1) The clerk of each municipality shall, immediately after the first revision and correction of the assessment roll in every year, make a correct alphabetical list in three parts (Form 1) of all persons being of the full age of twenty-one years and subjects of Her Majesty by birth or naturalization, and appearing by the assessment roll to be entitled to vote in the municipality, prefixing to the name of each person his number upon the roll.

First part.

(2) The first of the three parts shall contain the names, in alphabetical order, of all male persons of full age and subjects as aforesaid, appearing by the assessment roll to be assessed for the real property or income requisite to entitle him to vote in the municipality at both municipal elections and elections for members of the Legislative Assembly.

(3)

(3) The second part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, and of all widows and unmarried women of full age and subjects as aforesaid, and appearing on the assessment roll to be entitled to vote in the municipality at municipal elections only, and not at elections for members of the Legislative Assembly. Second part.

(4) The third part shall contain the names, in alphabetical order, of all other male persons of full age and subjects as aforesaid, appearing by the assessment roll to be entitled to vote in the municipality at elections for members of the Legislative Assembly only, and not at municipal elections. Third part.

(5) The name of the same person shall not be entered more than once in any such part. Name to be entered once only.

(6) Where a municipality is divided into polling sub-divisions the list (to be made in three parts as aforesaid) shall be made for each of such sub-divisions. Lists for polling sub-divisions.

(7) If the qualification of any such person is in respect of real property, the clerk shall, opposite the name of the person, insert, in the proper column of the voters' list, the number of any lot or other proper description of any parcel of real property in respect of which each person is so qualified; adding thereto, where the person is so qualified in respect of more than one such lot or parcel, the words "and other premises;" and in the case of the person being a landholder's son or a wage-earner within the meaning of *The Election Act* and any Act amending the same, the clerk shall also, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality. Real property on which voter qualifies to be named.

(8) Where a ward of any municipality is divided into polling sub-divisions, and it appears by the assessment roll that any person is assessed in each of two or more such polling sub-divisions in the ward for property sufficient to entitle him to vote, the clerk shall enter his name on the list of voters in one such sub-division only, and shall, as required by the preceding sub-section, insert opposite his name the additional words "and other premises;" and where, within the knowledge of the clerk, such person resides in one of such polling sub-divisions, his name shall be entered as aforesaid in the list of voters for that polling sub-division. Entry where voter assessed in several sub-divisions of same ward.

(9) Wherever it appears by the assessment roll that any person is assessed for property within the municipality sufficient to entitle him to vote, but that it lies partly within the limits of one of such sub-divisions and partly within another or others, the clerk shall enter his name on the list of voters in one of the sub-divisions only in which such property is situate, with the following words added: "Partly qualified in sub-division No. . . . .". Provision when property partly in one sub-division and partly in another.



Incomequalifi-  
cation.

(10) If the qualification is in respect of taxable income, the clerk shall, in the proper column of the voters' list, state that fact and the place at which the voter resides in the municipality.

When assess-  
ment roll to be  
regarded as  
finally revised.

(11) An assessment roll shall be understood to be finally revised and corrected, when it has been so revised and corrected by the Court of Revision for the municipality, or by the Judge of the County Court, in case of an appeal, as provided in *The Assessment Act*, or when the time during which such appeal may be made has elapsed, and not before.

"Form 1,"  
meaning of

3. The expression "Form 1," in section 2 of *The Voters' Lists Act*, as amended by this Act, shall mean the form of voters' list to be used and made as provided by section 9 of *The Voters' Lists Amendment Act, 1879*.

R.S.O. c. 9, s.  
8, repealed.

4. Section 8 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor:—

Revision of  
list.

8. (1) The said list of voters shall be subject to revision by the County Judge, at the instance of any voter or person entitled to be a voter in the municipality for which the list is made, or in the electoral district in which the municipality is situate, on the ground of the names of voters being omitted from the list, or being wrongly stated therein, or of names of persons being inserted on the list who are not entitled to vote; and upon such revision the assessment roll shall not be conclusive evidence in regard to any particular, whether the matter on which the right to vote depends had or had not been brought before the Court of Revision, or had or had not been determined by that court; and upon such revision any person who is a wage-earner within the meaning of the *Election Act*, or of any Act amending the same, shall not be disqualified to have his name entered on said list, either by reason of his having omitted to make, sign or deliver, any statement required by the provisions of *The Assessment Act* to be so made, signed or delivered by him, or by reason of his name not having been entered on the assessment roll as such wage-earner; and the decision of the judge under this Act, in regard to the right of any person to vote, shall be final so far as regards such person.

Appeal in case  
of persons dis-  
qualified under  
R.S.O. c. 10.

(2) A complaint or appeal (Form 4) may be made on the ground of any person whose name is entered on the list being one of those who are disqualified or incompetent to vote under *The Election Act*.

Applications  
by persons who  
have acquired  
property since  
assessment.

(3) If, before the final revision and correction of the assessment roll, any person named as a voter in the said list of voters has died or, having parted with the property in respect of which his name was entered in the voters' list, has, within the meaning of section 7 of *The Election Act of Ontario*, ceased

to

to be a resident of the electoral district, the person who, at the time of such final revision and correction, was in possession of the said property shall, if otherwise qualified to vote, be entitled to apply to the judge to be entered on the said list instead of the person first named in this section; and the proceedings to be taken in any such case shall be the same as in cases of appeals under this Act.

(4) Any person who is rated, or entered, or liable to be rated, or entered on the assessment roll, either for real property or income of the amount requisite to entitle him to vote, or as a landholder's son or a wage-earner, within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending the same, and who will be of the age of twenty-one years at any time within sixty days from the final revision and correction of the assessment roll, shall be entitled to apply to the judge to have his name entered upon the voters' list, or upon the assessment roll and the voters' list, as the case may require.

Persons who will be of age within 60 days from revision.

(5) Any such landholder's son and any wage-earner entitled to be assessed or entered in the assessment roll of any municipality under *The Assessment Act*, or any Act amending the same, shall, in all respects and for all purposes, have the right to apply and complain to the judge on the revision of the voters' lists, and to have his name entered and inserted in the list.

Application by landholders' sons and wage-earners.

5. Sub-section 3 of section 3 of *The Voters' Lists Finality Act* is hereby repealed.

41 V. c. 21, s. 3, sub-s. 3, repealed.

6. Any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any municipality, shall be so assessed and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which said municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom.

Entry of landholders' sons and wage-earners on roll.

7. Section 10 of *The Voters' Lists Act* and its sub-sections are hereby repealed, and the following is substituted therefor:

R. S. O. c. 9, s. 10, repealed.

10. (1) Any party may obtain from the County Court a subpoena (Form 13), or from the county judge an order, requiring the attendance at the court for hearing complaints as aforesaid, at the time mentioned in such subpoena or order, of a witness residing

Compelling attendance of witnesses on revision of list.

residing or served with such subpoena or order, in any part of this Province; and requiring any such witness to bring with him and produce at the court any papers or documents mentioned in the subpoena or order, and every witness served with such subpoena or order shall obey the same, provided the allowance for his expenses, according to the scale allowed in Division Courts, is tendered to him at the time of service.

Person whose right is in question to attend.

(2) Any person complaining, or any person in respect of the insertion or omission of whose name a complaint is made, shall, if resident within the municipality, the list of which is the subject of complaint, or within the municipality in which the court is held, upon being served with a subpoena or order therein, obey the same without being tendered or paid any allowance for his expenses; and where any such complaint is by or in respect of a person whose name is entered in the list of voters as being, or who is alleged to be, a wage-earner or landholder's son within the meaning of *The Assessment Act* or of *The Election Act*, or of any Act amending either of said Acts, such subpoena or order shall be deemed to have been sufficiently served upon such person under the provisions of this section:

- (a) If such subpoena or order is served upon him personally; or
- (b) Where such person has a known residence or place of business within said municipality, if a copy of such subpoena or order is left for him with some grown person, at such residence or place of business; or
- (c) Where such person has no known residence or place of business within the municipality, if a copy of such subpoena or order is mailed to him through the post-office, with the postage thereon pre-paid and addressed to him at the post-office address contained in any written affirmation made by him under *The Assessment Act*, or any Act amending the same; or
- (d) Where such person is a landholder's son as aforesaid, if a copy of such order or subpoena is left for him with some grown person at the residence of the landholder whose son he is.

Penalty for non-attendance.

(3) If any person, whose right to be a voter is the subject of enquiry, does not attend in obedience to such subpoena or order, the judge, if he thinks fit, in the absence of satisfactory evidence as to the ground of such non-attendance, or as to the right of such person to be a voter, may, on the ground of the non-attendance of such person, strike his name off the list of voters, or refuse to place his name on the list of voters, as the case may require, or impose a reasonable fine on such person according to his discretion, or do both.

Names in subpoena.

(4) Any number of names may be inserted in one subpoena or judge's order, in any case of complaint.



8. For the purpose of complying with the provisions and requirements of sections 3 and 4 of *The Voters' Lists Act*, the clerk of any city shall hereafter have forty days instead of the thirty days in said section 3 mentioned. Time for transmission of list under R. S. O. c. 9, ss. 3 & 4.

9. Section 5 of *The Voters' Lists Act* is hereby repealed, and the following is substituted therefor: R. S. O. c. 9, c. 5, repealed.

5. Upon each of the copies so sent to each person shall be a printed or written certificate (Form 2) over the name of the clerk, stating that such list is a correct list of all persons appearing by the last revised assessment roll of the municipality to be entitled to vote at elections for members of the Legislative Assembly, and at municipal elections in said municipality; and further, calling upon all electors to examine the said list, and, if any omissions or other errors are perceived therein, to take immediate proceedings to have the said errors corrected according to law. Clerk to certify as to certain matters on each copy of list.

10. Section 9 of *The Voters' Lists Act* is hereby amended by adding thereto the following sub-section: R. S. O. c. 9, s. 9, amended.

(3) No judge shall proceed with the holding of any court for hearing complaints as aforesaid, unless and until notice (Form 10) of the time and place of holding said court shall by the clerk have been published at least ten days before the sittings of such court, in some newspaper published in the municipality, or, if there be no such paper, then in some newspaper published in the nearest municipality in which one is published. Notice of holding court for complaints.

11. (1) From and after the passing of this Act, and until the preceding sections of this Act are in force, section 2 of *The Voters' Lists Act* shall be read: Construction of R. S. O. c. 10, s. 2.

(a) As if the word "male," where it firstly occurs in said section, were omitted therefrom; and

(b) As if before the word "appearing," where it occurs in sub-section 3 of said section 2, the words "and of all widows and unmarried women of full age and subjects as aforesaid" were inserted therein.

(2) Said section 2 shall be read and construed as if this section had been in full force and effect on, from and after the 25th day of March, 1884.

12. The several sections and provisions of this Act shall come into force and have effect as follows: Commencement of Act.

(1) Section 11 shall come into force and have effect from and after the passing of this Act.

(2) The remaining sections and provisions of this Act shall come into force and have effect on and after the first day of January

January next after the passing thereof, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with respect to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and have effect on and after said first day of July.

## CHAPTER 4.

### An Act relating to the Costs of Election Trials.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 11,  
s. 10, re-  
pealed.

1. Section 100 of *The Controverted Elections Act* is hereby repealed, and the following section is substituted therefor :

Taxation and  
recovery of  
costs.

100. (1) Costs may be taxed in the prescribed manner, but according to the same principles as costs are taxed between party and party in the High Court of Justice, and such costs may be recovered in the same manner as the costs of an action at law, or in such other manner as may be prescribed.

(2) No greater counsel fee or fees shall be taxed as between party and party in respect of or in connection with the trial than fifty dollars, and when the trial shall continue beyond one day, a sum not exceeding forty dollars for each additional day the trial shall continue, whether one or more counsel shall be engaged at the trial.

(3) Except as to such witness fees and other actual disbursements, in respect of evidence taxable in ordinary suits at law between party and party, as may be allowed by the judgment or order of the court allowing or apportioning costs, no greater sum (including counsel fee) than three hundred dollars shall be taxed or taxable against either party as costs in the cause.

Costs not to be  
awarded  
against candi-  
date who is  
not unseated.

2. The costs of a petition or trial shall not be awarded against the candidate where he is not, by the judgment of the court, unseated; but this section shall not apply to cross petitions.

Sec. 1, sub-ss.  
2 and 3 not to  
apply if

3. Sub-sections 2 and 3 of section 1 of this Act shall not apply to any case where any candidate incurs the penalties provided by

by section 161 of *The Election Act of Ontario* for corrupt practices committed by himself or with his actual knowledge or consent. candidate incurs penalty under R. S. O. c. 10, s. 161.

4. All other costs not hereinbefore provided for shall, in the absence of special contract between solicitor and client, be taxed as though incurred and taxable between party and party. Provision as to costs not specially provided for.

5. This Act shall be read as part of *The Controverted Elections Act*. Act to be read as part of R. S. O. c. 11.

## CHAPTER 5.

An Act in respect of certain sums of money ordered by the Legislative Assembly to be impounded in the hands of The Speaker.

[Assented to 30th March, 1885.]

WHEREAS it appears from the journals of the Legislative Assembly of this Province, and the report of certain commissioners appointed to take evidence in this behalf, and from the evidence so taken, that certain sums of money were delivered during the session of said Legislative Assembly held in the forty-seventh year of Her Majesty's reign by a certain person therein named, to two members of said Legislative Assembly for the purpose and under the hope of thereby influencing their votes as members of said Legislative Assembly, to wit, the sum of \$1,000 to the one member, and the sum of \$800 to the other; And whereas the said members at once delivered the said sums of money to the Speaker of said Legislative Assembly to be by him produced to said Legislative Assembly; And whereas, afterwards and during the said session the said Speaker produced the said sums of money to said Legislative Assembly, and thereupon and during the said session the said Legislative Assembly ordered the said Speaker to impound and keep the said sums of money on behalf of the said Legislative Assembly, to be dealt with as the said Legislative Assembly should thereafter decide; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said sums of \$1,000 and \$800 are hereby declared to be forfeited to Her Majesty for the public use of the Province, Forfeiture of moneys to the Crown.  
2 s and



and to have been so forfeited from the time of being so delivered to said Speaker.

Speaker  
indemnified.

2. (1) This Act shall be a bar and discharge to, of and against any action, suit or proceeding which has been, or may be hereafter brought, or taken, against the said Speaker, the Honourable Charles Clarke, by any person or persons whomsoever for or in respect of the said moneys, or any part thereof, or for or in respect of any indebtedness that may be alleged to have arisen in consequence of either of the said sums having been delivered or given to the said Charles Clarke as aforesaid, or for or in respect of any matter, cause or thing mentioned in this Act, and no costs shall be awarded against the said Charles Clarke in any such suit, action, or proceeding; and if in respect of the said moneys or any part thereof, or of any such cause, matter or thing, any action, suit or proceeding is brought or instituted after the passing of this Act, or if any proceeding in respect of the said moneys, or any part thereof, or of any such cause, matter or thing is taken against the said Charles Clarke in any action, suit or matter now pending, the said Charles Clarke shall be entitled, against the person or persons instituting or taking such action, suit or proceeding, to his full costs, as between solicitor and client, incurred in resisting the said action, suit or proceeding.

(2) The word "proceeding" in this section shall be held to include any attachment or garnishment, and any attaching or garnishee or other order, and also any issue, or the trial of any issue directed or ordered by any court or judge in respect either of said moneys or any part thereof or of any alleged liability, indebtedness, claim or demand arising, or claimed to have arisen from or out of the delivery of said moneys or any part thereof to the said Speaker as aforesaid, or from or because of any attaching or garnishee order directed to or served upon said Charles Clarke, or because of any other matter, cause or thing mentioned in this Act; but nothing in this sub-section contained shall be read or construed as restricting or excluding a more extended meaning of the said word "proceeding."

## CHAPTER 6.

## An Act to Amend the Act relating to the erection of new Provincial Buildings.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act passed in the forty-third year of Her Majesty's <sup>43 V. c. 2,</sup> reign, chaptered 2, and intituled *An Act to Provide for the* <sup>amended.</sup> *Erection of new Buildings for the accommodation of the Provincial Legislature and the Public Departments*, is hereby amended by omitting therefrom the words "five hundred thousand dollars," wherever the same occur in the said Act, and inserting instead thereof the words "seven hundred and fifty thousand dollars."

## CHAPTER 7.

## An Act respecting Amounts due to the Municipal Loan Fund.

[Assented to 30th March, 1885.]

WHEREAS, under and by virtue of the Statute of Ontario <sup>Preamble.</sup> passed in the 36th year of Her Majesty's reign, intituled: *An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities*; and the Statute of Ontario passed in the 38th year of Her Majesty's reign, intituled: *An Act to amend the Act respecting the Municipal Loan Fund Debts, and certain payments to Municipalities*, debentures were delivered to the Treasurer of the Province, in settlement of certain arrangements made by the said Acts in respect of the debts of the said municipalities on account of the Municipal Loan Fund; and whereas certain of the said municipalities are indebted to this Province in respect of the said matters; and it is expedient that the Lieutenant-Governor in Council shall have power to give further time for the payment of the sums still outstanding, and due to the Province in respect of any of the said debts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.

Municipal Debentures may be taken for debts due the Municipal Loan Fund.

**1.** The Lieutenant-Governor in Council may take and receive the Municipal Debentures of the said municipalities respectively, for the amount of the debt due by each of them as aforesaid, including interest at the rate of five per cent. per annum, to be computed from the dates of the several defaults in payment according to the tenor of the said debentures heretofore given and the coupons attached thereto, up to the date of the said debentures so to be taken and received as aforesaid.

Form of Debentures.

**2.** The said debentures so to be taken and received as aforesaid, shall be payable with interest thereon half-yearly, at the rate of five per cent. per annum, and shall be of such amounts, and payable at such dates or periods and in such manner as the Lieutenant-Governor in Council may require.

Municipalities to deliver the Debentures to the Provincial Treasurer.

**3.** In case the Lieutenant-Governor in Council is willing to accept the said debentures, the councils of the said municipalities shall respectively cause the same to be delivered to the Treasurer of Ontario, and such debentures shall be legal, valid and binding upon the said several municipal corporations and the ratepayers thereof.

Acceptance of reduced amount.

**4.** If the Lieutenant-Governor-in-Council agrees to accept less than the full amount due to the Province for principal and interest by any of the said municipalities respectively any agreement so made under the provisions of this section shall not be valid or effectual, unless and until ratified by resolution of the Legislative Assembly.

Priority of Debentures.

**5.** The same priority and other rights and remedies which by the said recited Acts are given, reserved and secured against the said municipalities in respect of the debt and debentures in the said Acts mentioned, and also the collateral security, lien, and charge reserved by section 17 of the said first mentioned Act, shall avail and inure upon and in respect of the debentures by this Act authorized to be taken and received; and the Lieutenant-Governor in Council shall have the same powers for the sale of the said debentures as by the said Act provided with respect to the debentures therein mentioned.



## CHAPTER 8.

## An Act to amend the Public Lands Act.

[Assented to 30th March, 1885.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 36 of *The Public Lands Act* is hereby amended R. S. O., c. 23, by inserting “patented,” after the word “County” secondly s. 36, amended, occurring in the third line of the said section.

## CHAPTER 9.

## An Act to regulate the Fisheries of this Province.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Fisheries Act*, Short title. 1885.

2. This Act and its respective provisions apply to all fisheries and rights of fishing in respect of which the Legislature of Ontario has authority to legislate. Application of Act.

3. Unless otherwise declared or indicated by the context wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say:— Interpretation.

(1) The expression “Crown Lands” shall be held to mean and include such ungranted Crown or Public lands or Crown domain as are within and belong to the Province of Ontario, and whether or not any waters flow over or cover the same.

(2) The word “fish” shall mean and include every kind, variety and description of fish in respect of the catching or killing of which within the Province the Legislature of Ontario has authority to legislate.

(3)

(3) The word "waters" shall be held to mean and include such of the waters of any lake, river, stream or water-course wholly or partly within said Province, as flow over or cover any Crown Lands.

(4) The word "Commissioner" shall mean the Commissioner of Crown Lands.

(5) The expression "Fishery Lease" shall be held to include and mean a lease or instrument conferring for a term therein mentioned upon the lessee therein named the right to take and keep, for the purposes of fishing, under and subject to the provisions of this Act and of all regulations made thereunder, the exclusive possession of any Crown Lands therein described, with the exclusive right to fish in any waters flowing over or covering the same at such time and in such manner and with such restrictions and subject to such regulations as may be permitted, regulated or prescribed by any lawful authority in that behalf.

(6) The expression "Fishing License," shall be held to mean and include a license granting for the time therein mentioned to the licensee therein named, upon payment of the license fee therein stipulated, a right to fish in any waters flowing over or covering any ungranted Crown Lands therein described, at such time, in such manner and with such restrictions and subject to such regulations as may be permitted, regulated or prescribed by any lawful authority in that behalf, but no such fishing license shall be deemed to be, or be construed to operate as or in the nature of a lease or demise.

Issue of leases  
and licenses.

4. Subject to the other provisions of this Act, every fishery lease and every fishing license shall be granted and issued by the Commissioner but subject always to such conditions, regulations and restrictions as may from time to time be made, ordered or established in that behalf by the Lieutenant-Governor in Council, and published in the *Ontario Gazette*: Provided, however, that no such lease or license shall be granted or issued in respect of or as including any lands or waters where an exclusive right of fishing already exists by law.

Proviso.

Leases to be  
made at  
annual rental.

5. A fishery lease shall not be granted for a longer period than five years from the date thereof, and shall only be made to the highest bidder of an annual rental therefor after the same shall have been put up to public competition, of which at least one month's notice shall be given in the *Ontario Gazette*, and in such other way as to the Commissioner may seem the most advantageous; provided always that the price offered be at least equal to the upset price fixed by the Commissioner, and that if not sold, the Commissioner may afterwards, by private sale, dispose of the said lease at such upset price, or for a greater sum; and the signature of the Commissioner to such lease shall be evidence in all courts of a compliance with the provisions of this section.

Proviso.

6. The rental shall be paid in advance, and any lessee who fails to pay such rental at the date fixed by his fishery lease shall forfeit all rights thereunder, and the same may be thereupon annulled by the Commissioner of Crown Lands, and may be again put up to sale, but notwithstanding the annulling of such lease, the lessee shall be liable at the suit of Her Majesty for the annual rental and the expenses incurred by said lease being again put up to sale.

Forfeiture for non-payment.

7. No lessee or licensee shall have the right to sub-let, transfer or assign any right, interest or privilege granted or conferred upon him under the provisions of this Act, without first receiving the written consent of the Commissioner, or some other person authorized to that effect.

Transfer of leases.

8. If in consequence of any incorrectness of survey or other error or cause whatsoever, a fishery lease is found to comprise lands included in a fishery lease of a prior date, the fishery lease last granted shall be void in so far as it interferes with the one previously issued, and the holder or proprietor of the lease so rendered void shall have no claim for indemnity or compensation by reason of such avoidance.

Lessee not entitled to compensation in case of deficiency by reason of error.

9. Whenever within two years from the time of the passing hereof, it shall be made to appear to the Commissioner in the exercise of the powers vested in him by this Act, that any fishery or rights of fishing in or over any Crown Lands or waters has or have been occupied or claimed under any lease or license for an unexpired term, under some mistake or misconception of the rights of this Province thereto, it shall be lawful for the Commissioner to make any arrangements, under the circumstances, which may be deemed by him to be just and fair, and in such cases the granting or making of a fishery lease for or in respect of any such Crown Lands or waters shall not, in the first instance, be required to be by public competition.

Provision where fishery has been occupied under mistake as to rights of Province.

10. If any person shall enter upon or pass over the land described in a fishery lease without permission of the lessee or his representative, he shall, on conviction thereof incur and pay a fine of not less than one nor more than ten dollars, with costs of prosecution, for each such offence, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county, within which the offence was committed, for a period not exceeding one month; provided, however, that this section shall not apply to any person entering upon or passing over such lands in discharge of any duty imposed by law, nor, when the lands are included in any timber license, to the holder thereof, who shall at all times have the right to cut and take away all trees, timber and lumber within the limits of his license; nor to prevent the owners or occupiers of lands bordering on any waters to a general right of passage to

Penalty in case of trespass.

Proviso.



to and from such waters; nor the public user of any waters, or the banks thereof, either for the conveyance of lumber of any kind, or for the free navigation thereof by vessels, boats, or other craft; nor to any user under license by the Crown of any such lands or waters for any purpose or occupation not inconsistent with the provisions of this Act.

Rights of  
passage.

**11.** (1) Every fishery lease shall be deemed and taken to have been made and granted subject to a right of passage to and from any waters in favour of the occupants, if any, under title from the Crown, of the lands immediately in rear of those included in such fishery lease.

(2) In the discharge of his duties every fishery overseer, and every person by him accompanied or authorized to such effect, may enter upon and pass through or over private property without being liable for trespass.

Appointment  
of Fishery  
Overseers.

**12.** The Lieutenant-Governor in Council may, if he considers it expedient, appoint Fishery Overseers, whose duties shall be defined by the regulations made under this Act, and every overseer so appointed and having taken the oath of office prescribed by this Act, shall be, *ex-officio*, a Justice of the Peace for all the purposes of this Act and of any regulations made under authority thereof within the county or district for which he is appointed to act as such overseer.

Oath of  
Overseer.

**13.** Each fishery overseer shall, before acting as a Justice of the Peace under this Act, take and subscribe the following oath:—

“I, A. B., a Fishery Overseer in and for the district or territory described in my appointment, do solemnly swear that, to the best of my judgment, I will faithfully, honestly and impartially fulfil, execute and perform the office and duty of such overseer according to the true intent and meaning of *The Ontario Fisheries Act*, and of all regulations made or to be made thereunder. So help me God.”

Regulations  
may be made  
by Lieutenant-  
Governor in  
Council.

**14.** (1) So far as the Legislature of Ontario has authority so to enact, the Lieutenant-Governor in Council may, from time to time, make regulations, and may from time to time vary, amend, and alter all and every such regulation as shall be found necessary or deemed expedient for the better management and regulation of Crown lands leased under the operation of this Act and the fishing rights thereto pertaining, or of any fishing license which may be made or granted under the operation of this Act; and to prevent the destruction of fish, and to forbid fishing in any waters except under authority of a fishery lease or fishing license; and all such regulations shall have the same force and effect as if herein contained and enacted, and every offence against any such regulation may be stated as having been made in contravention of this Act.

(2) The publication of any such regulation in the *Ontario Gazette*, shall be sufficient notice to give legal effect to the same;

same; and the production of a copy of a paper purporting to be the *Ontario Gazette*, and containing any such regulation shall, so far as the Legislature of Ontario has authority so to enact or direct, be admitted as full and sufficient evidence of the same, in all courts.

**15.** The remuneration of the Fishery Overseers and of all other persons employed to perform any duty imposed by this Act or by the regulations made under it, shall be determined by the Lieutenant-Governor in Council, and shall be paid out of any moneys derived under the provisions of this Act, and appropriated for that purpose by vote of the Legislative Assembly.

Remuneration  
of Overseers,  
etc.

**16.** (1) The Commissioner may, upon the request of any lessees of fishery leases, or without such request, appoint as many guardians as may be deemed necessary for the effectual protection of the fisheries, or rights of fishing in any waters; such guardians shall be sworn to the faithful discharge of their duties, and especially to prevent the taking or killing, or attempting to take or kill fish in the waters under their charge by illegal means, or at times when the taking or killing of fish is prohibited by lawful authority; they shall be employed for such length of time as the Commissioner shall consider necessary, and their services shall be paid for by the lessees.

Appointment  
of guardians  
for protection  
of fisheries.

(2) If thereunto required by the Commissioner any such lessee shall keep and maintain, at his own expense, within the limits granted to or conferred upon him by any fishery lease, and for such time or times as the Commissioner may in that behalf prescribe, one or more efficient guardians, whose duties shall in all respects be the same as those of the guardians in the preceding sub-section of this section mentioned.

**17.** It shall be a condition of every Fishery Lease that the lessee shall, as soon as possible after the close of each fishing season, transmit to the Department of Crown Lands a statement of the number and weight of fish caught in the waters affected by such lease.

Returns by  
lessees.

**18.** The Commissioner may, with the consent of the owners, and for the purposes of management only, assume the control of fishing rights pertaining to granted lands fronting on any stream, river or lake, with a view of improving or leasing the same in connection with those pertaining to Crown Lands fronting on the same stream, river or lake, and paying over to the private owners of such fishing rights a proportionate share of the rent received for the whole.

Control of fish-  
ing rights per-  
taining to  
granted lands  
may be  
assumed by  
Commis-  
sioner with  
consent of  
owner.

**19.** It shall be lawful for the Commissioner, or any officer thereto authorized by him, to grant permits to fish in any waters adjoining Crown Lands not under lease for a period

Fishing  
permits.

not

not exceeding one month, upon such terms and subject to such restrictions and conditions as shall be provided by order of the Lieutenant-Governor in Council to that effect.

Cancellation  
of leases, etc.

**20.** Any fishery lease, or fishery license or permit held by any person, convicted of any contravention of this Act, or of any regulations made and published as aforesaid, may be annulled and cancelled by the Commissioner, and thereupon such person shall forfeit all his rights and privileges under such lease, license or permit, and shall not be entitled to or have any claim or right to any indemnity or compensation in respect thereof.

Lessee to  
have right of  
action for  
trespass.

**21.** A fishery lease shall entitle the lessee to institute in his own name any civil action, suit or proceeding against any person unlawfully trespassing upon, damaging or invading the rights, property, premises or privileges granted by such lease, and also to sue for and recover any damages sustained by him as such lessee.

Liability of  
lessee for  
damage to  
lands included  
in lease.

**22.** Every lessee to whom a fishery lease is granted, shall be answerable for damage done to the lands in such lease described, and the timber growing thereon, or on adjoining lands, either by himself or his agents, or persons under his control, either from waste or from want of sufficient precautions in lighting, watching over or extinguishing fires; and it shall be incumbent on every such lessee, in case of damage caused by fire, to prove that all such precautions have been taken.

Waters may  
in certain  
cases be  
reserved from  
lease.

**23.** It shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to reserve from lease for one or more years, for purposes of improvement, any waters, the exclusive right of fishing in which is within the meaning of section two of this Act.

Lease of  
waters in  
which Indians  
allowed to  
fish.

**24.** The Commissioner may appropriate and license or lease certain waters in which certain Indians shall be allowed to catch fish for their own use in and at whatever manner and time, and subject to whatever terms and conditions are specified in the license or lease.

Provisions as  
to setting  
apart waters  
for natural or  
artificial  
propagation of  
fish.

**25.** The Commissioner may authorize to be set apart, and to be leased, any waters for the natural or artificial propagation of fish, and any person who wilfully destroys or injures any place so set apart or used for the propagation of fish, or fishes therein without written permission from a Fishery Overseer, or from the lessee or licensee thereof, or uses therein any fishing light or other like implement for fishing, during the period for which such waters are so set apart, shall for every such offence incur and pay a fine not exceeding one hundred dollars, with costs of prosecution, and in default of immediate payment of such fine and costs, shall be imprisoned in  
the



the common gaol of the county wherein the offence was committed, for a period not exceeding three months.

**26.** Nothing contained in this Act shall preclude the granting by the Commissioner of written permission to obtain fish and fish spawn, for purposes of stocking or artificial breeding, or for scientific purposes, subject always to any regulation or restriction made or prescribed by or under any lawful authority in that behalf.

Commissioner may grant permission to obtain fish, etc., for certain purposes.

**27.** If any person without permission of the lessee or his representative, fishes, or employs or induces any other person to engage or assist in fishing within the limits included in any fishery lease, or removes or carries away, or employs or induces or assists any other person to remove or carry away any fish caught within any such limits, he shall not acquire any right to the fish so caught, but the same shall be forfeited and become the absolute property of the lessee, and any such person shall therefor, and upon conviction thereof incur and pay a penalty of not less than five or more than twenty dollars, with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed for a period not exceeding one month; and such lessee or any person by him authorized, and any Fishery Overseer, may upon his own view forthwith seize and remove any net, article or apparatus so used in fishing or to assist in fishing contrary to the provisions of this section, to be afterwards dealt with according to law; provided always, that the occupation of any fishing grounds or waters leased for the express purpose of net fishing, shall not interfere with nor prevent angling for other purposes than those of trade or commerce.

Penalty for fishing within limits of fishing lease without permission of lessee.

Proviso.

**28.** If any of the provisions of this Act or of any regulations made under the authority thereof by the Lieutenant-Governor in Council, are contravened and no other penalty is herein provided for such contravention, the person guilty of such contravention shall on conviction thereof incur and pay a fine of not more than twenty dollars with costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county within which the offence was committed, for a period not exceeding one month.

Penalty for contravention of Act where no special penalty.

**29.** Contravention on any day of any of the provisions of this Act, or of any regulation made under the authority thereof by the Lieutenant-Governor in Council, shall constitute a separate offence, and may be punished accordingly.

Separate offences.

**30.** The following provisions shall have effect with respect to summary proceedings for offences, fines and penalties under this Act;

Provisions with respect to summary proceedings.

(1) proceedings.

(1.) The information shall be laid within two months after the commission of the offence ;

(2.) The description of an offence in the words either of this Act or of any regulations made by authority thereof, or in any similar words, shall be sufficient in law ;

(3.) Any exception, exemption, proviso, excuse or qualification, whether it does or not accompany the description of the offence in this Act, or in any regulation made by authority thereof, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant ;

(4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction, against which a person is authorized by this Act to appeal, shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a Superior Court, except for the purpose of the hearing and determination of a special case ;

(5.) Whenever it shall appear to the satisfaction of the convicting magistrate that an offence against this Act or any regulation made thereunder has been committed in ignorance of the law, and that because of the poverty of the offender, the fine or penalty imposed would be oppressive, a discretionary power may be exercised ;

(6.) Any Fishery Overseer or magistrate may upon his own view convict for any offence against the provisions of this Act, or of any regulation made thereunder, and shall instantly remove or cause to be removed and detain all materials and articles illegally in use ;

(7.) Where any offence under this Act is committed in, upon, or near any waters forming the boundary between different counties or districts, such offence may be prosecuted before any magistrate or Fishery Overseer, for either of such contiguous counties or districts.

Application  
of fines and  
penalties.

**31.** (1) One-half of every fine or penalty imposed by virtue of this Act shall belong to Her Majesty for the uses of the Province, and the remaining half shall be paid to the prosecutor, together with any costs which he may have incurred ; each fine, penalty or forfeiture imposed by this Act, or by the regulations made thereunder, may be recovered on parol complaint before any Fishery Overseer or before any one of Her Majesty's Justices of the Peace in and for the county where the fine or penalty was incurred or the offence was committed or wrong done, and in cities, towns and villages in which there is a Police Magistrate, before such Police Magistrate, on the oath of one credible witness.

(2)

(2). All materials, implements or appliances used, and all fish had in contravention to this Act, or any regulation made thereunder, shall be confiscated to Her Majesty for the uses of the Province, and may be seized and confiscated on view by any Fishery Overseer, or taken and removed by any person for delivery to any magistrate or Fishery Overseer, and the proceeds of disposal thereof may be applied towards defraying expenses incurred under the provisions of this Act; but nothing in this sub-section contained shall apply to any forfeiture of fish under the provisions of section 27 of this Act.

(3) The moiety of each fine or penalty belonging to Her Majesty for the uses of the Province, and all proceeds derived from the sale of articles confiscated to Her Majesty under this Act, shall be paid over to the Treasurer of the Province through the Department of Crown Lands, and shall be applied towards the expenses incurred in carrying out the provisions of this Act.

(4) Persons aggrieved by any such conviction or confiscation may appeal by petition to the Commissioner, who shall have power to remit fines and restore forfeitures under this Act.

**32.** Save where otherwise provided by this Act, all the provisions of the Act entitled *An Act respecting summary convictions before Justices of the Peace*, and the Acts already passed, or which may be hereafter passed amending the same, shall apply to all prosecutions and proceedings under this Act, except in proceedings on appeal, and the practice and procedure upon and with respect to appeals and all proceedings thereon and thereafter, shall be governed by *The Act respecting the Procedure on Appeals to the Judge of a County Court from Summary Convictions*, and any Act in amendment thereof, so far as the same is not inconsistent with this Act.

Certain Acts to apply to prosecutions under this Act.

**33.** Such annual or other reports of the Fishery Overseers, as the Lieutenant-Governor from time to time directs, shall be laid before the Legislative Assembly.

Reports to be laid before Legislative Assembly.

## CHAPTER 10.

### An Act respecting aid to Tile, Timber and Stone Drainage,

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of the Act passed in the forty-first year of the reign of Her Majesty, and chaptered 9, is hereby amended by striking out all the words after the word "Act" in the second line thereof.

41 V. c. 9, amended.



41 V. c. 9,  
s. 6, repealed.

2. Section 6 of the said Act is hereby repealed and the following substituted therefor :

Application  
for sale of  
debentures.

6. The council of any township, municipality proposing to borrow money under the provisions of this Act, may, after the expiration of one month after the final passing of the by-law deposit with the Commissioner of Agriculture, a copy of the by-law, with affidavits of the reeve and clerk of the municipality in the form Schedules B. and C. to this Act, and may at any time thereafter apply for the sale of the debentures authorized thereby for such sums as hereinafter provided ; such application to be in writing and sealed with the seal of the municipality and signed by the reeve thereof, and shall specify the names of the parties to whom the money is to be loaned.

Borrowing  
powers of  
councils  
under 41 V.,  
c. 9 ; 42 V.,  
c. 8, and 43 V.,  
c. 6.

3. The provisions of the Acts passed in the forty-first year of Her Majesty's reign, chaptered 9 ; in the forty-second year of Her Majesty's reign, chaptered 8, and in the forty-third year of Her Majesty's reign, chaptered 6, for the purpose of encouraging the construction of tile, stone or timber drains, are hereby extended so as to permit the council of any township, village, or town to pass by-laws from time to time, for borrowing for the purposes authorized by the said Acts, in sums not less than two thousand dollars, nor exceeding ten thousand dollars, such moneys as they may consider expedient ; provided that the entire amount of the indebtedness of the municipality in respect of moneys so borrowed and remaining unpaid, including the amount provided for in any by-law being passed, does not at any such time exceed the sum of ten thousand dollars ; and provided also that such by-laws are passed in accordance with the provisions of the said Acts and amendments thereto.

Proviso.

Proviso.

## CHAPTER 11.

### An Act to amend the Act respecting the Agricultural College.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS it is expedient to amend the Act respecting the Agricultural College ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

43 V. c. 33, s.  
7, repealed.

1. Section 7 of *The Act respecting the Agricultural College*, passed in the forty-third year of Her Majesty's reign, chapter 33, is hereby repealed, and the following substituted in lieu thereof :—

Sessions, terms  
and vacations.

7. The sessions, terms and vacations shall be fixed by the Lieutenant-Governor in-Council.

CHAPTER

## CHAPTER 12.

## An Act to amend the Act respecting the Registration of Births, Deaths and Marriages.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the Revised Statute of Ontario, chapter R. S. O. c. 36, 36, is hereby repealed and the following substituted therefor: s. 4, repealed.

4. The Lieutenant-Governor in Council may appoint such Division Registrars in the existing Districts of Algoma, Nipissing, Thunder Bay, Rainy River, Muskoka and Parry Sound, and also any Territorial Districts hereafter formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein, until municipal organizations are formed.

Appointment of Registrars in Algoma and other districts.

## CHAPTER 13.

## An Act for further improving the Administration of the Law.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Administration of Justice Act, 1885.* Short title.

2. If at the time of the passing of this Act the number of Judges of the Court of Appeal shall, including the Chief Justice of Ontario, exceed four in the whole, no new judge of the said Court of Appeal shall be appointed in the place of any such Judge of Appeal who shall die or resign while such whole number of Judges of the Court of Appeal shall exceed four, it being intended that the permanent number of Judges of the Court of Appeal shall not exceed four, including therein the Chief Justice of Ontario.

Court of Appeal to consist of four Judges.

Additional  
Judge of High  
Court.

3. When the Judges of the Court of Appeal shall be reduced to four, as mentioned in the preceding section, there shall be appointed as provided by *The British North America Act, 1867*, a Judge of the High Court of Justice, in addition to the number of Judges of that Court authorized to be appointed by *The Ontario Judicature Act, 1881*. The Judge appointed in pursuance of this Act shall be attached to the Chancery Division of the said High Court, subject to such power of transfer as is in *The Ontario Judicature Act, 1881*, mentioned.

Provisions of  
44 V., c. 5, to  
apply to the  
Judge ap-  
pointed here-  
under.

4. The Judge so appointed shall be in the same position as if he had been appointed a Judge of the said High Court in pursuance of *The Ontario Judicature Act, 1881*; and all the provisions of the said Act in relation to the qualification and appointment of Judges of the said High Court, and to their tenure of office, and all other provisions relating to such Judges shall apply to the additional Judge appointed in pursuance of the preceding section, in the same manner as they apply to the other Judges of the said Court respectively.

Declaratory  
judgments  
and orders.

5. No action or proceeding shall be open to objection on the ground that a merely declaratory judgment or order is sought thereby, and the Court may make binding declarations of right, whether any consequential relief is or could be claimed or not.

Satisfaction of  
obligations by  
performance  
in part.

6. Part performance of an obligation, either before or after a breach thereof, when expressly accepted by the creditor in satisfaction, or rendered in pursuance of an agreement for that purpose, though without any new consideration, shall be held to extinguish the obligation.

44 V. c. 5,  
ss. 33, 34 and  
43, amended.

7. Sections 33, 34 and 43 of *The Ontario Judicature Act, 1881*, shall apply to actions only, and the said sections are amended by prefacing the same with the following words: "In any action respecting property or civil rights, whether for damages or for specific relief."

Indemnity of  
defendant in  
replevin pro-  
ceedings.

8. Where a writ of replevin is sued out for any personal property which had not been previously taken out of the plaintiff's possession, and for which the plaintiff might bring an action of trespass or trover, the defendant shall be entitled, if the plaintiff fails in the action, to be fully indemnified against all damages sustained by the defendant, including any extra costs which he may incur in defending the action; and the bond to be taken by the Sheriff or Bailiff shall be conditioned, not only as heretofore required in that behalf but also to indemnify and save harmless the defendant from all loss and damage which he may sustain by reason of the seizure, and of any deterioration of the property in the meantime, in the event of its being returned, and all costs, charges, and expenses which the defendant may incur, including reasonable costs not taxable between party and party: this section shall not apply to cases of distress for rent or damage-feasant.



9. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy of an Order in Council purporting to be made by the Lieutenant-Governor or Administrator of the Government of Ontario, and any copy of a departmental or other regulation purporting to be made by the said Lieutenant-Governor or Administrator in Council, or by any other person or persons authorized by law to make such regulation, purporting to be printed by the Queen's Printer at Toronto, and published with the Statutes of Ontario, shall be received in any court of justice as *prima facie* evidence of the tenor of such order or regulation.

Ontario Orders in Council, etc., printed by Queen's Printer and published with Statutes, to be *prima facie* evidence.

10. In any proceeding in respect of which this Legislature has jurisdiction to enact as is in this section enacted, any copy of an Order in Council purporting to be made by the Governor-General of Canada, or his deputy, or other Chief Executive Officer or Administrator of the Government of Canada, or any copy of a departmental or other regulation made by the said Governor-General or his deputy, or other Chief Executive Officer or Administrator of the Government of Canada, or by any other person or persons authorized by law to make such regulation, purporting to be printed by the Queen's Printer at Ottawa, and published with the Statutes of Canada by the said Queen's Printer shall be received in any court of justice as *prima facie* evidence of the tenor of such order or regulation.

Dominion Orders in Council, etc., printed by Queen's Printer and published with Statutes, to be *prima facie* evidence.

11. (1) Where no probate of the will of a deceased person, or letters of Administration to his estate, have been granted by a Surrogate Court, and representation of such estate is required in any action or proceeding in the High Court, the court may appoint some person Administrator or Administrator *ad litem* (according as the case may require) to the estate; and the person so appointed shall give the security required from, and have the rights, authority, and responsibility of, an Administrator or Administrator *pendente lite* (as the case may be) appointed by the Surrogate Court, but the Court may dispense with such security.

Appointment of Administrator to represent estate in proceedings in High Court.

(2) Where a general Administrator is appointed under this section, the same fees shall be payable in stamps as would be payable to the Crown, or to the Judge of the Surrogate Court, under any Act then in force, upon the grant of administration of an estate of the same value made by the Surrogate Court.

(3) Where administration is granted by the High Court under this section, the Registrar shall forthwith transmit by mail, to the Surrogate Clerk, a certified copy of the grant; and in case the grant is with will annexed, he shall, at the same time, also transmit to the said Clerk a certified copy of the will; and the Surrogate Clerk shall make similar entries in respect of the documents so transmitted as he makes in respect of particulars furnished to him under section 13 of *The Revised Statute respecting the Surrogate Courts*.

Order for  
account  
against exe-  
cutor *de son*  
*tort*.

**12.** Where no order for general administration is asked or required, or where it is shewn that an executor *de son tort* has taken possession of the bulk of the personal assets belonging to the estate of a deceased person, such executor *de son tort* may, on the application of any one interested in the estate of the deceased, and without the appointment of any other personal representative of the estate, be required to account for any assets of the estate which have come to his hands; and where a proper case is made for the appointment by the High Court of a receiver of the estate of a deceased person who has no legally appointed personal representative, the estate may be administered under the direction of the court without the appointment of any person other than the receiver to represent the estate.

Jurisdiction of  
Clerk of  
Crown of Q.  
B. and Master  
in Chambers.

**13.** (1) The Clerk of the Crown of the Court of Queen's Bench sitting at Chambers, and the Master in Chambers, or any referee sitting for him, shall be held to have heretofore had, and in all matters of practice to have now authority to do all such things, transact all such business, and exercise all such authority and jurisdiction in respect of the same, as, by virtue of any statute or custom, or by the rules or practice of any of the Superior Courts, were, at or before the time of the passing of *The Ontario Judicature Act, 1881*, or are now done, transacted or exercised by any Judge of the High Court sitting at Chambers, save and except in respect to matters excepted by sub-section (a) of Rule 420 and by Rule 424 in the Schedule to the said Act: This section shall apply to any proceeding, matter or thing heretofore done at Chambers by the said Clerk or Master, or by the referee sitting for the Master.

(2) Nothing herein contained shall be construed to affect the authority of the Judges of the Supreme Court under section 54, or any Judges to be appointed under section 55 of the said Act by rules of Court, to extend or limit the authority of the said Master or any referee.

Additional  
Courts of  
Assize.

**14.** A sitting of the High Court of Justice, for the trial of actions civil and criminal, or of civil actions only, shall be held in and for the County of Middlesex, in each year in the vacation between Michaelmas and Hilary Terms, on such days as may be appointed by the Judges of the High Court or a majority of them.

(2) The Judges of the High Court or a majority of them may direct that any sitting of the said Court for the County of Wentworth in the vacation between Michaelmas and Hilary Terms shall be for the trial of civil actions only.

(3) The Judges of the High Court of Justice, or a majority of them, may from time to time appoint a sitting of the High Court to be held in any other county of the Province for the trial of actions, civil and criminal, or of civil actions only, in the vacation between the Michaelmas and Hilary Sittings of the High Court.

**15.** (1) Section 23 of *The Consolidated Jurors' Act of 1883*, <sup>46 V., c. 7,</sup> is hereby amended by striking out all the words at the end <sup>s. 23, amended.</sup> thereof after the words "are not properly marked" in the sixteenth line thereof.

(2) Sub-section 5 of section 173 of the said Act is hereby <sup>46 V., c. 7,</sup> amended as follows: the words "fifteenth day of September," <sup>s. 173, sub-s. 5,</sup> where they occur in the twelfth line thereof, are hereby struck <sup>amended.</sup> out, and the words "twenty- fifth day of October" are inserted in lieu thereof.

**16.** (1) Where a pecuniary penalty or forfeiture is imposed by any Act of this Province now in force or hereafter to be passed, or by any other Act now in force in this Province in respect of which it is within the legislative authority of this Province to enact as hereinafter mentioned, the Court having cognizance of the offence, and being a Court of Record but not otherwise, may, at any time after the commencement of the proceeding, remit in whole or in part any sum of money by such Act imposed as a penalty or forfeiture on a convicted offender, and may do so whether the money is in whole or in part payable to the Crown or to some person other than the Crown, and whether the same is recoverable by indictment, information, summary process, action, or any other process. Remission of penalties.

(2) This section shall not be held to give to a Police Magistrate the authority therein mentioned, and shall include a Judge of the Division Court.

(3) The Lieutenant-Governor in Council shall also have power at any time to remit any such penalty or forfeiture, in whole or in part, unless the same is imposed by the *Revised Statute respecting the Legislative Assembly* or any amendment thereof or by some Act respecting elections of members of the Legislative Assembly, or is recoverable in respect of an offence committed in connection with an election of a member of the said Assembly.

(4) This section shall apply to any action or proceeding now pending as well as to any action or proceeding which may be hereafter commenced, but shall not be construed to include the power of remitting any costs incurred up to the time of remitting the penalty or forfeiture.

**17.** (1) Subject to any rules of court which may be made under the provisions of the 54th or 55th section of *The Ontario Judicature Act, 1881*, the Accountant for the High Court of Justice for Ontario shall be the Accountant of the Supreme Court of Judicature for Ontario, and shall henceforward be so designated. Accountant of Supreme Court.

(2) For the purposes of holding the mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and of all moneys and effects mentioned and described in section 68 of *The Ontario Judicature*



*Judicature Act, 1881*, and any amendment thereof and in this Act, or in any rule or order of court, the said accountant shall be a corporation sole by the name of "The Accountant of the Supreme Court of Judicature for Ontario," and all such mortgages, stocks, funds, securities, and all estate therein, and any interest in real and personal estate, effects or property, and all moneys and effects, and all bonds and guarantees now vested in and held by the present accountant in his own name, or in his name of office as such accountant, shall, subject to the same trusts as the same are now respectively subject to, vest in the said corporation sole under the name aforesaid, and the said accountant as such corporation sole shall have perpetual succession, and may sue and be sued, may plead and be impleaded in any of her Majesty's Courts in this Province.

Construction  
of 44 V. c. 5,  
ss. 66 and 68.

**18.** The 66th and 68th sections of the said *Judicature Act* shall henceforward apply in all respects, and be read, as if the same had named the Accountant of the Supreme Court, instead of the Accountant of the High Court, wherever the latter officer is referred to in the said sections.

Securities held  
by Registrar  
of Court of  
Appeal to be  
transferred to  
Accountant of  
Supreme  
Court.

**19.** All mortgages, stocks, funds, securities, and all estate therein, and all moneys and effects standing in the name of the Registrar of the Court of Appeal as such Registrar in any cause, matter, or proceeding now, or at any time heretofore pending in the said Court of Appeal are hereby transferred to and vested in the Accountant of the Supreme Court of Judicature for Ontario as such Accountant, subject to the trusts which respectively attach thereto; and the said Registrar and one of the Judges of the said Court of Appeal are to execute all cheques or documents necessary to effect a formal transfer thereof, if any are required; and the Registrar is forthwith to deliver to the said Accountant all books of account and documents in his possession or control relating to the moneys and property hereby transferred to the said Accountant.

Payment into  
and out of  
Court of  
Appeal.

**20.** Subject to any rules of Court to be made under *The Ontario Judicature Act, 1881*, all moneys required to be paid into or out of the said Court of Appeal under any order, judgment, statute, rule of court, or otherwise, shall be paid in and paid out in like manner as moneys are paid into and out of court in actions pending in the High Court.

Jurisdiction of  
County  
Judges and  
Local Masters  
in Chamber  
applications.

**21.** The Judge of the County Court, other than the County of York, and the Local Master of the Supreme Court of Ontario shall, in all actions brought in their county have concurrent jurisdiction with, and the same power and authority as, the Master in Chambers, in all proceedings which are now determined in Chambers at Toronto, irrespective of the place of residence or place of business of the parties, or their solicitors; and

and the orders and decisions of such Judge or Master shall be subject only to appeal to a Judge of the High Court.

**22.** Subject to any rules of Court which may hereafter be made in this behalf, the Deputy-Clerks of the Crown, Local Masters of the Supreme Court, and Local Registrars respectively, shall, in actions begun or pending in their offices, be entitled to tax all bills of costs, including counsel fees; subject only to appeal to a Judge of the High Court: This section shall not apply to cases in which infants are concerned, unless the official guardian is the guardian *ad litem* for such infants.

Taxation of costs by Deputy Clerks of the Crown, etc.

**23.** (1) Any party to an action in a County Court may (1) appeal to the Court of Appeal from a judgment directed by a judge of the County Court, at or after the trial in a case tried by him without a jury, or in which he directs judgment at or after the trial upon the special findings of the jury in a case tried with a jury, or (2) instead of appealing to the Court of Appeal in a case tried with a jury, either party may move before the County Court, within the first two days of its next quarterly sittings for a new trial or to set aside such judgment on any ground other than that upon the evidence given (in cases tried by a judge), or upon the findings aforesaid (in cases tried with a jury), the judgment so directed is wrong.

Appeals in actions in County Court.

(2) In any case in which a party, instead of appealing to the Court of Appeal has applied to the County Court at its quarterly sittings for any relief which he should have sought by appeal, the Court of Appeal, or any judge thereof, may, at any time within two months after the passing of this Act, grant leave to appeal; and such leave may be granted, although judgment has been entered, or an appeal dismissed, but shall not be granted in any case in which the decision, rule, order, or judgment proposed to be appealed from was given or made more than four months before the passing of this Act.

**24.** (1) The Judges of the Supreme Court of Judicature and of the High Court respectively shall have the same authority to make rules of court with respect to the Surrogate Courts as, by section 54 of *The Ontario Judicature Act, 1881*, they have with respect to the High Court; and the Judges authorized as mentioned in section 55 shall with respect to the Surrogate Courts have the like authority.

Surrogate Court rules.

(2) The general rules and orders made by the Judges appointed in pursuance of section 14 of *The Surrogate Courts Act, 1858*, are hereby continued until altered under the authority of this section.

(3) Sections 73, 74 and 75 of *The Surrogate Courts Act*, being chapter 46 of the Revised Statutes, are hereby repealed.

**25.** (1) The Board of County Judges appointed under section

Tariff of costs in Courts of

General Sessions and Surrogate Courts.

238 of *The Division Courts' Act*, or the majority of them, may frame a tariff of fees and costs to be allowed in respect of proceedings in the Courts of General Sessions of the Peace to witnesses and to the Clerk of the Peace, and to solicitors and counsel practising therein, including the County Attorney, and may from time to time alter and amend the same.

(2) The said Board shall have similar authority in respect of a tariff of fees and costs for Surrogate Courts, and may frame separate tariffs for contentious and non-contentious business.

(3) The said Board or any three of them shall certify to the judges authorized to make rules under section 54 or section 55 of *The Ontario Judicature Act, 1881*, any tariff so framed, or any alteration thereof, and any judges authorized to make rules under the said Act may approve, disallow or amend any such tariff or alterations.

(4) Any tariff or alteration so approved of, or amended and approved, shall have the same force and effect as if it had been enacted by the Legislature of this Province.

Appointment of official interpreters.

26. In case the municipal council of any county pass a resolution requesting or approving of the appointment of an official interpreter to act at the Courts held in such county, an appointment may be made accordingly in the same manner, and subject to the same terms and conditions, as provided in regard to shorthand writers by section 23 of the *Act respecting County Judges and the Local Courts*; and the said section shall apply as nearly as may be to such official interpreters.

Exclusion of execution creditor declining to contest claim in interpleader.

27. In case a sheriff or other officer applies to a court or judge for relief under section 10 of *The Interpleader Act*, or any other provision respecting interpleader which may be in force, and any execution creditor declines to join in contesting the claim of the adverse claimant, the court or judge may direct that such creditor shall be excluded from any benefit which may be derived from the contestation of such claim.

R. S. O., cc. 84 and 86, Sheriff's schedule amended.

28. (1) Chapters 84 and 86 of the Revised Statutes are hereby amended by adding the following items to the Sheriff's Schedule appended thereto respectively:

For every prisoner discharged from gaol other than prisoners committed by warrant for trial at the Assizes or general Sessions . . . . .	\$1 00
For services performed under 41 V. c. 19, Dom., in each case disposed of under this Act . . . . .	\$2 00
For each day's attendance at an adjournment of the County Judge's Criminal Court in each case . . . .	\$2 00

Provided that the Sheriff shall not be allowed more than four dollars in respect of the same day's service.

(2) This section shall not apply to the County of York.



**29.** Any gaol or lock-up erected in the District of Nipissing under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district for the safe custody of persons charged with the commission, within the said district, of crimes, or with the commission therein of offences against any statute of this Province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said district; or for the confinement of persons sentenced within the district for crimes or for offences as aforesaid for periods not exceeding six months; or for confinement of persons sentenced as aforesaid for periods exceeding six months until such persons can be conveniently removed to any other lawful prison to which they are sentenced, or to which they may be lawfully removed.

Gaols in District of Nipissing.

**30.** A stipendiary magistrate for any territorial district or temporary judicial district may be appointed a Coroner for the said district.

Stipendiary Magistrate may be a Coroner.

**31.** (1) Where the Inspector of Legal Offices, appointed under section 70 of *The Ontario Judicature Act, 1881*, or any other officer inspecting legal offices under the authority of an order of the Lieutenant-Governor in Council, finds any paper or proceeding which should have had affixed to it law stamps, to be unstamped, or to be insufficiently stamped, he may require the officer to whom belonged the duty of seeing that such paper was properly stamped, to affix to every such paper or proceeding a stamp or stamps of a sufficient amount to make up the deficiency.

Affixing stamps to papers unstamped or insufficiently stamped.

(2) The Inspector or other officer directing stamps to be affixed as aforesaid shall cancel the stamps so affixed in such manner as shall be directed by the Lieutenant-Governor in Council, and the affixing of such stamps by direction of the Inspector shall have the same effect as if the paper or proceeding had been duly stamped in the first instance.

**32.** Where any sittings of the High Court, County Court, or General Sessions of the Peace is continued after eight o'clock p.m., an additional allowance, not exceeding one day's pay, may, upon the certificate of the presiding Judge, be made to any officer in attendance upon such Court who is paid for services by a per diem allowance.

Allowance to officers where sittings of court prolonged.

**33.** It shall not be necessary for any Justice of the Peace named in any commission who after his appointment as such Justice by a former commission, took the oath of allegiance and the oath of office as a Justice of the Peace, to again take such oaths, or either of them, before acting under the new commission.

Oath of justice of the peace.

R. S. O. c. 77,  
schedule A  
and B amend-  
ed.

Fees of justices  
where two re-  
quired for  
hearing cases.

**34.** (1) Where a case requires two justices for the hearing and determining of the same, a second fee of fifty cents shall be allowed to the justices for hearing and determining the case; and the following item is hereby added to each of the schedules A and B of the Revised Statute, chapter 77: "Where one justice alone cannot lawfully hear and determine the case, an additional fee for hearing and determining to be allowed to the associate justice; \$0.50."

(2) In case more justices than two sit upon the hearing of the case, the justice by whom the information was taken (if he sits upon the hearing) shall be entitled to one fee of fifty cents for hearing and determining; and the justice who sat at his request shall be entitled as associate to the said additional fee.

(3) If a case occurs which is not provided for by the preceding sub-sections, the justices shall be entitled to the fees according to their seniority as justices.

## CHAPTER 14.

### An Act to further Amend "The Division Courts Act."

[Assented to 30th March, 1885.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

43 V. c. 8,  
s. 14, amended

**1.** Section 14 of *The Division Courts Act, 1880*, is hereby amended by adding thereto the words following:—

"And every such notice shall be in writing; and prohibition to a Division Court shall not lie in any such suit from any court whatever, where such notice disputing the jurisdiction has not been duly given as aforesaid."

43 V. c. 8, s.  
58, amended.

**2.** Section 58 of *The Division Courts Act, 1880*, is hereby amended by adding thereto the words following:—

"And the clerk of each Division Court shall, on or before the first day of said month of January, send to the judge the necessary information in writing for the purposes of such return."

Judgment by  
default under  
R. S. O., c. 47,  
s. 79, where  
final judg-  
ment not  
entered.

**3.** Where due proof is made by affidavit or otherwise of the service of a special summons issued under section 79 of *The Division Courts Act*, and of particulars of the plaintiff's claim or demand as required by said section, and final judgment has not been entered under the provisions of said section, the judge may, if the defendant does not, in person or by agent,

agent, appear in open court pursuant to and as required by said summons, give judgment against such defendant by default, without requiring proof of the plaintiff's claim or demand, and with the same consequences and effect as if the plaintiff had proved his claim or demand in open court.

4. (1) Where the defendant in any action within the meaning of section 79 of *The Division Courts Act*, has left with the clerk a notice to the effect in said section provided, the plaintiff in such action may, on an affidavit made by himself, or by any other person who can swear positively to the debt or cause of action, verifying the cause of action, and stating that in his belief there is no defence to the action, serve the defendant with a notice of motion to shew cause before the Judge of the Division Court in which the action is brought, why the plaintiff should not be at liberty to have final judgment entered in his favour by said clerk for the amount of the debt or money demand sought to be recovered in such action, together with interest, if any, and costs. A copy of the affidavit shall accompany the notice of motion. The judge may thereupon, unless the defendant, by affidavit or otherwise, satisfy the judge that he has a good defence to the action on the merits, or disclose such facts as may be deemed sufficient to entitle him to defend the action, make an order empowering the clerk to sign final judgment accordingly. Motion for judgment.

(2) The application by the plaintiff for leave to have final judgment entered in his favour under the provisions of this section, shall be made on notice returnable not less than two clear days after service.

(3) The defendant may shew cause against such application by offering to bring into court the amount sought to be recovered in the action, or by affidavit. In such affidavit he shall state whether the defence he alleges goes to the whole or to part only, and if so, to what part of the plaintiff's claim. And the judge may, if he thinks fit, order the defendant to attend and be examined upon oath, or to produce any books or documents, or copies of, or extracts therefrom.

(4) In any case if it appears that the defence set up by the defendant applies only to a part of the plaintiff's claim, or that any part of his claim is admitted to be due, the plaintiff shall be entitled to have final judgment entered forthwith for such part of his claim as the defence does not apply to or as is admitted to be due, subject to such terms, if any, as to suspending execution, or the payment of any amount levied, or any part thereof, into court by the bailiff, the taxation of costs, or otherwise, as the judge may think fit; and the defendant may be allowed to defend as to the residue of the plaintiff's claim.

(5) If it appears to the judge that any defendant has a good defence to the action, or ought to be permitted to defend the



the action, and that any other defendant has not such defence, and ought not to be permitted to defend, the former may be permitted to defend, and the plaintiff shall be entitled to have final judgment entered against the latter, and may issue execution upon such judgment without prejudice to his right to proceed with his action against the former.

(6) Leave to defend may be given unconditionally, or subject to such terms as to giving security or otherwise, as the judge may think fit.

(7) Nothing in this section contained shall apply to any action or suit in which the amount of the debt or claim sought to be recovered does not exceed forty dollars.

(8) The provisions of this section shall be deemed to have been in force on and from the twenty-second day of August, one thousand eight hundred and eighty-one.

**5.** Section 114 of *The Division Courts Act* is hereby repealed and the following substituted therefor:—

R. S. O., c. 47,  
s. 114 repealed.  
Summoning  
jurors.

114. For the trial of all actions required to be tried by or before a jury at any session of a Division Court the clerk of such court shall cause not less than twelve of the persons liable to serve as jurors to be summoned to attend at such session at the time and place to be mentioned in the summons, and such summons shall be served at least three days before the court, either personally, or by leaving the same with a grown up person at the residence of the juror.

R. S. O. c. 47,  
s. 210, sub-s.  
3 repealed.

**6.** Sub-section 3 of section 210 of *The Division Courts Act* is hereby repealed, and the following substituted therefor:—

County Judge  
to adjudicate  
on certain  
claims on  
amount of  
goods seized  
in execution.

(3) The County Judge having jurisdiction in such Division Court shall adjudicate upon the claim, and make such order between the parties in respect thereof, and of the costs of the proceedings, as to him seems fit; and shall also adjudicate between such parties, or either of them, and such officer or bailiff in respect of any damage or claim of or to damages arising or capable of arising out of the execution of such process by such officer or bailiff, and make such order in respect thereof, and of the costs of any proceedings as to the judge shall seem fit; and any such order shall be enforced in like manner as an order made in any suit brought in such Division Court, and shall be final and conclusive between the parties, except that upon the application of either the attaching or execution creditor or the claimant, or the officer or bailiff, within fourteen days after the trial, the judge may grant a new trial upon good grounds shewn, as in other cases under this Act, upon such terms as he thinks reasonable, and may in the meantime stay proceedings.

Power of  
Judge to  
award  
damages.

**7.** (1) Under the provisions of sub-section 3 of section 210 of *The Division Courts Act* as amended by this Act, the judge in said sub-section mentioned shall have power to adjudicate upon

upon and award damages, even though the amount of the damages claimed, found or awarded should be beyond the jurisdiction of a Division Court.

(2) In respect of any damages claimed, found, awarded or adjudicated upon, or of any order, judgment or finding under the provisions of said sub-section or of this section, there shall as to all parties concerned, be the same rights of defence and counter-claim, and the same right of appeal, including in all cases the right and liability to costs, as would exist under *The Division Courts Act, 1880*, had an action or suit within the jurisdiction of a Division Court been brought or instituted to recover said damages.

8. In all cases not already provided for, where, in any suit or proceeding in a Division Court, it is necessary for any party thereto to give notice to any other party thereto or to the clerk of the court such notice shall be in writing. Notices to be in writing.

9. (1) To remove doubts it is hereby declared that in any action, suit or proceeding against any person as the surety of any clerk or bailiff of a Division Court, the entries in the books required by law to be kept or which were so kept by any such clerk or bailiff shall be *prima facie* evidence against any such surety. Entries of clerk or bailiff evidence against surety.

(2) For the purposes of this section the words "clerk or bailiff of a Division Court" shall be held to include any person who having been a clerk or bailiff of a Division Court has ceased to be such clerk or bailiff.

10. Where in a Division Court any action or suit is being tried by a jury, the judge, if he thinks it expedient for the interest of justice, may postpone or adjourn the trial for such time and upon such terms, if any, as he shall think fit. Postponement of trial.

11. (1) Every summons or process issued out of a Division Court against a corporation not having its chief place of business within the Province, and all subsequent papers and proceedings in the action, suit or proceeding in which said summons or process has been issued, may be served on the agent of such corporation whose office or place of business as such agent is either within the division in which the summons or process issued, or is nearest thereto. Service of process, etc., on corporations.

(2) For the purposes of this section the word "agent" shall be held to include,

(a) In the case of a railway company any station-master having charge of any station belonging to such railway company;

(b) In the case of a telegraph company, any person having charge of any telegraph office belonging to such telegraph company, and

(c)

(c) In the case of an express company, any person having charge of an express office belonging to such express company.

R.S.O. c. 47, s. 9 amended. **12.** Section 9 of *The Division Courts Act* is hereby amended by adding thereto the following as sub-section 3 thereof :

(3) Where a municipality, not being a town or city, furnishes a court room and other necessary accommodation for a Division Court as aforesaid, or pays any owner, lessee, or tenant, as aforesaid, for the use of any building, it shall be entitled to recover from any other municipality wholly or partly within the division for which such court is held, such reasonable share of the cost of providing accommodation for holding the court as shall in that behalf, be decided and ordered by the Judge of the said court, to be paid and contributed by the latter municipality ; and in every such case the total cost of providing such accommodation for holding the court shall be deemed to be five dollars for every day on which the court is held.

43 V., c. 8, s. 24 amended. **13.** Section 24 of *The Division Courts Act, 1880*, is hereby amended by inserting therein after the word "officers" the words "or other person or persons."

Act to be read with R. S. O., c. 47, and amending Acts. Short Title. **14.** This Act shall be read and construed as part of *The Division Courts Act*, and of any Acts amending the same.

**15.** This Act may be cited as *The Division Courts Amendment Act, 1885*.

## CHAPTER 15.

An Act to amend the law as to Garnishing Debts.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

43 V. c. 10, s. 21, amended. **1.** Section 21 of *The Creditors' Relief Act, 1880*, is hereby amended by adding the following as sub-sections 5 and 6 :

(5) The provisions of sub-sections 3 and 4 of this section shall also apply, as nearly as may be, to any person who attaches a debt in the Division Court before judgment, and to the money so attached.

(6) In case a garnishee, under an order of the Court, pays to the garnishor, or in a case a garnishee, without notice that the Sheriff



Sheriff is entitled, pays the amount of his indebtedness into Court and the same is paid out to the garnishor, the Sheriff may recover from the garnishor the amount received by him.

2. Section 16 of *The Revised Statute respecting Absconding debtors*, is hereby amended by inserting after "warrants of attachment issued," in the seventh line, the words "or money paid into Court under a garnishee summons." R. S. O., c. 68, s. 16, amended

## CHAPTER 16.

### An Act to confer on Notaries Public the powers of Commissioners.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All Notaries Public heretofore or hereafter appointed, and having authority in Ontario, shall have, and there is hereby conferred upon them, the same powers as commissioners who have been appointed under the Revised Statute *Respecting Commissioners for taking Affidavits and Affirmations*, chapter sixty-three, and the Revised Statute *Respecting Commissioners to Take Recognizances of Bail*, chapter eighty, or under section one of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered eleven. Notaries Public to have powers of Commissioners appointed under R. S. O., cc. 63 and 80 or under 45 V. c. 11, s. 1.

2. Every Notary Public heretofore or hereafter appointed may in any part of Ontario take and receive all and every such affidavits and affirmations (in cases where by law affirmation is allowed) as any person or persons desire to make in or concerning any matter or thing depending or in anywise concerning any of the proceedings in the High Court of Justice for Ontario, or in the Court of Appeal for Ontario, and in all the County and Division Courts, or concerning any application made or depending before a judge or judges of any of said courts, and in or concerning any application or matter made or pending before any judge of any court in this Province in which, by any statute now or hereafter in force in Ontario, and within the legislative authority of this Province, such judge is authorized to make any order, although such application or matter is not made or pending in any court. Power to take affidavits, etc., in all Courts or in matters pending before a Judge.

3. Section 43 of chapter one hundred and eleven of the Revised Statutes is hereby amended by adding at the end of R. S. O., c. 111, s. 43, sub-s. 1, amended.

of sub-section one the following words, "or before a Notary Public heretofore or hereafter appointed, and having authority as such Notary in Ontario."

Notaries to be officers of High Court, etc.

Affidavits to be of same force as if taken in open court.

Liability for misconduct.

4. Every Notary Public shall be deemed an officer of the High Court of Justice for Ontario and of the Court of Appeal for Ontario, and all affidavits and affirmations taken shall be of the same force as if taken before a Commissioner, and may be read and may be made use of as other affidavits and affirmations taken in court.

5. Any Notary Public misconducting himself in respect of the powers hereby conferred upon him shall be subject to the same penalty or punishment as a Commissioner in and for the High Court of Justice for Ontario; and any power conferred upon a Notary Public under this Act may be revoked in the same way and manner and to the same extent as if such power had been conferred upon him under any of the provisions of the Acts mentioned in section one of this Act.

## CHAPTER 17.

### An Act respecting Police Magistrates for Counties.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

When Police Magistrate may be appointed.

1. Where the County Council of any county passes a resolution affirming the expediency of the appointment of a salaried Police Magistrate for such county, the Lieutenant-Governor may make such an appointment, the salary to be paid by the county.

Salary.

2. If the population of such county as determined by the last preceding Dominion census is 40,000 or less, the salary to be paid such Police Magistrate shall not be less than \$600; every such Police Magistrate shall be also entitled to be repaid by the county his reasonable and necessary travelling expenses while attending to his duties. The County Council may at any time by resolution assign to the Police Magistrate a larger salary than is hereinbefore named.

Powers of Police Magistrate.

3. Any Magistrate so appointed shall hold office during the pleasure of the Lieutenant-Governor, and shall have and exercise within the county for which he is appointed all the powers,

powers, authorities, rights, privileges and jurisdiction by law appertaining to Police Magistrates appointed for cities (so far as it is within the authority of the Provincial Legislature so to enact), and shall be entitled to take the same fees as other Justices of the Peace; and the provisions of sub-sections 2, 3, 4, 5, 6 and 7 of section 9 of the Act passed in the 41st year of Her Majesty's reign, entitled *An Act respecting the Magistracy*, shall apply to every Police Magistrate appointed under this Act.

4. The County Council shall provide a proper office, together with fuel, light and furniture, for every County Police Magistrate; and every Police Magistrate shall, whenever he deems there is occasion therefor, have a right to use any court room or town hall belonging to the county or to any municipality therein (which has no Police Magistrate of its own), for the hearing of cases brought before him; provided such magistrate in so using such court room, or town hall, shall not interfere with the ordinary use of the court rooms for the other courts for which they are required, or with the use of the town hall for the purposes for which the same was built.

Office of  
Police  
Magistrate.

Proviso.

## CHAPTER 18.

### An Act to promote the Detection of Crime.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In any case in which in the opinion of the Warden and County-Attorney of a County, special services not covered by the ordinary tariff are necessary for the detection of crime or the capture of persons who are believed to have committed crimes of a serious character, the Warden and County-Attorney aforesaid may authorize any constable, or other person, to perform these services and shall certify upon the account to be rendered by such constable or other person what they deem a reasonable allowance to be paid to the person employed, and the amount so certified shall be allowed to such person in the accounts in respect of the administration of justice, and shall be paid in the first instance by the county, and one-half thereof shall be repaid to the county by the Province.

Allowance to  
constables and  
others for  
special ser-  
vices.

2. This Act shall not apply to services in any city or separated town for which there is a staff of salaried police officers, and no allowance shall in any other case be made hereunder to any salaried constable or other officer, unless such constable or officer is entitled to receive for his own use in addition to his salary, the fees earned by him.

Application of  
Act.



## CHAPTER 19.

An Act respecting appeals from Summary  
Convictions.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Notice of  
appeal.

1. (1) Notwithstanding the provisions of *The Revised Statute respecting Summary Convictions before Justices of the Peace*, in any case where an appeal lies to the General Sessions of the Peace from a conviction or order made by a Justice or Justices of the Peace, or by a Police or Stipendiary Magistrate, under the authority of any statute now or hereafter in force in Ontario, and relating to matters within the legislative authority of the Legislature of Ontario, the notice of appeal may be given within ten days after the conviction or order.

(2) If the conviction or order is made more than fourteen days before the sittings of the General Sessions, such appeal shall be made to the then next sittings of such court, but if the conviction or order be made within fourteen days of the sittings of such court, then to the second sittings next after such conviction or order.

## CHAPTER 20.

## An Act respecting the District of Rainy River.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the Lieutenant-Governor in Council, on the third day of October, in the year of our Lord 1884, by virtue of an Act passed by the Legislature of Ontario, in the session thereof held in the 47th year of Her Majesty's reign, entitled *An Act respecting the District of Algoma and Thunder Bay*, issued a proclamation naming the 11th day of the said month of October, as the day upon which the said Act respecting the District of Algoma and Thunder Bay should go into force; and whereas the Lieutenant-Governor in Council, on the 13th day of January, in the year of our Lord 1885, in pursuance of the powers in the said Act contained, did proclaim and declare that, from and after the 15th day of February then next, all that part of the Provisional Judicial District of Thunder Bay

Bay lying west of a line drawn due north and south through the most easterly point of Hunter's Island should, for the purposes (except registry purposes) mentioned in the Revised Statute respecting the *Territorial Districts of Muskoka, Parry Sound and Thunder Bay*, be detached from the said Provisional Judicial District of Thunder Bay, and should form a separate Territorial District by the name of The District of Rainy River; and whereas it is expedient to make provision in respect of the matters hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Territorial District of Rainy River, being all that portion of the Province lying west of the said line, shall, from and after the first day of July next, also be separated, for registry purposes, from the District of Thunder Bay, and shall form a separate registry division.

District of Rainy River separated from District of Thunder Bay for registration purposes.

2. (1) The Lieutenant-Governor may, from time to time appoint, under the great seal, an officer for the District Court of the Provisional Judicial District of Thunder Bay, to be called the Deputy Clerk for Rainy River, who shall hold office during pleasure, and shall keep his office at Rat Portage.

Appointment of Deputy Clerk.

(2) In case after an appointment has been made a vacancy occurs in such office, the Clerk of the Division Court at Rat Portage shall, *ex-officio*, be Deputy Clerk until another appointment is made.

Vacancy in the office of Deputy Clerk.

(3) The said Deputy Clerk shall issue writs for the commencement of actions in the said District Court, and shall, in respect of actions so commenced and of proceedings therein, perform the like duties and have the like powers and rights as are performed or possessed by the Clerk of the District Court at Port Arthur in respect of actions commenced by writs issued out of his office, and of proceedings therein; and the said Deputy Clerk shall also issue such writs and process as may be required in such actions as may in like cases be issued by the said Clerk of the District Court, and may renew any such writs as by law may be renewed.

Powers and Duties of Deputy Clerk.

(4) No writ of *capias* issued under the next preceding subsection shall be executed outside of the District of Rainy River; and every writ of *capias* so issued shall be marked by the Clerk as follows: "Only to be executed within the District of Rainy River," but this shall not prevent a copy of such writ of *capias* being served at any place within Ontario.

*Capias*.

(5) The Deputy Clerk of the said District Court shall have the custody of a seal similar in design to the seal of the court in the custody of the Clerk at Port Arthur, and the said Deputy Clerk shall seal with the said seal all writs, process and proceedings.

Seal.

ceedings requiring the seal of the said court; and every writ, process or proceeding sealed with such seal shall be held to be duly sealed with the seal of the said court.

Venue.

3. In any actions in which the venue is local the writ shall be issued out of the office of the said Deputy Clerk, and the venue shall be laid in the District of Rainy River in the same manner as if the said district was a separate county; but the judge may, if he sees fit, change the venue in any action.

Deputy Clerk  
to be Registrar  
of Surrogate  
Court.

4. (1) The Deputy Clerk for the Rainy River District of the District Court of Thunder Bay shall, *ex-officio*, be Deputy Registrar for Rainy River of the Surrogate Court of Thunder Bay; and he shall keep his office of Deputy Registrar at the same place as he is required by law to keep his office of Deputy Clerk.

R. S. O., c. 46,  
ss. 10-13, to  
apply to  
Deputy Regis-  
trar.

(2) Sections 10, 11, 12 and 13 of the Revised Statute, chapter 46 (*The Surrogate Courts Act*), shall apply as nearly as may be to the Deputy Registrar for Rainy River; and he shall observe and conform to the provisions thereof; and shall perform the like duties, and shall have the like powers and rights, under and by virtue of the said Revised Statute, within the District of Rainy River, as are performed or possessed by the Registrar of the Surrogate Court for Thunder Bay at Port Arthur; and the latter shall, after the passing of this Act, cease to exercise the powers and rights of Registrar of the Surrogate Court for Thunder Bay, in regard to applications for probate, or letters of administration, in respect of the will, or estate, of any person who had at the time of his death his fixed place of abode in the District of Rainy River, or of any person who having no fixed place of abode within Ontario had, at the time of his death, real or personal estate in such District, which but for this Act would have been exercised by him as Registrar of the Surrogate Court for Thunder Bay.

Surrogate  
Seal.

(3) The said Deputy Registrar of Surrogate shall have the custody of a seal similar in design to the seal of the court in the custody of the Registrar, and such seal shall be the seal of the court for the purpose of sealing all grants, letters, writs, certificates, papers or proceedings in connection with any matter or thing in the office of the said Deputy Registrar requiring to be sealed.

Sittings of  
Surrogate  
Court.

5. The Surrogate Court for Thunder Bay shall, at Rat Portage in the District of Rainy River, in respect of matters arising within the District of Rainy River, and at Port Arthur in respect of matters arising within the rest of the Provisional Judicial District of Thunder Bay, hold such sittings as the Judge of the Surrogate Court of the Provisional Judicial District of Thunder Bay may think proper and necessary, but the said Judge may, when he deems it more convenient for the parties



parties interested, perform any judicial or magisterial act affecting either of the said Surrogate divisions in the other of such divisions.

6. (1) The Lieutenant-Governor may also appoint a Sheriff <sup>Appointment of Sheriff.</sup> of the said District of Rainy River, who shall keep his office at Rat Portage.

(2) All writs and other process requiring to be directed to a Sheriff and intended to be executed within the said District of Rainy River shall be directed to the said Sheriff.

(3) Nothing herein contained shall prevent the Sheriff of Thunder Bay from proceeding upon and completing the execution or service within the said District of Rainy River, of any writ of *mesne* or final process in his hands at the time this Act takes effect, or any renewal thereof, or any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same; and the acts of the said Sheriff of Thunder Bay in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further.

(4) Sub-sections 5, 6, 7 and 8 of section 12 of the Act passed in the 43rd year of the reign of Her Majesty, entitled, *An Act respecting the Administration of Justice in the Districts of Algoma, Thunder Bay and Nipissing*, shall apply to the District of Rainy River and to the Sheriff thereof.

7. Unless where inconsistent with this Act and as nearly as <sup>Application of certain Acts to District of Rainy River.</sup> may be, the Acts mentioned in schedule A appended to this Act shall, to the extent shewn in the third column of the said schedule, apply to the District of Rainy River, and all other Acts, or parts of Acts, applying in general terms to Territorial Districts, shall also apply to the said district.

8. All returns of convictions required by law to be made by <sup>Returns of Convictions.</sup> any Justice or Justices of the Peace shall, for the District of Rainy River, be made to the Clerk of the Peace of the District of Thunder Bay.

9. (1) Besides the sittings at the district town, the District <sup>Sittings of District Court.</sup> Court of Thunder Bay shall hold sittings on the first Tuesday of the month of June and the fourth Tuesday of the month of November of each year, at Rat Portage, for trials and assessments by jury in cases in which the venue is laid in Rainy River, and sittings of the General Sessions of the Peace of <sup>Sittings of General Sessions.</sup> Thunder Bay shall be held on the same days.

(2) The said General Sessions of the Peace shall be for the <sup>Trial of appeals.</sup> trial of causes within the jurisdiction of the General Sessions where the offence to be tried was committed within the District

trict of Rainy River, and for the trial of appeals to the General Sessions from a decision, order or conviction made by a Justice of the Peace within such district.

Gaols and  
Lock ups.

**10.** (1) Any gaol or lock-up erected in the said District of Rainy River under the authority of the Lieutenant-Governor, or any building so declared by Order in Council, shall be a common gaol of such district, for the safe custody of persons charged with the commission, within the said District, of crimes, or with the commission therein of offences against any statute of this Province, or against any municipal by-law, who may not have been finally committed for trial, or for the safe custody of persons finally committed for trial, charged as aforesaid, who are to be tried within the said District of Rainy River; or for the confinement of persons sentenced within the said district for crimes or for offences as aforesaid, for periods not exceeding six months; or for the confinement of persons sentenced as aforesaid for periods exceeding six months until such persons can be conveniently removed to the gaol at Rat Portage, or other lawful prison to which they are sentenced

Gaol at Rat  
Portage

(2) The gaol at Rat Portage shall be the chief common gaol of the District, and, besides being for the detention of persons held for safe custody as mentioned in this section, shall also be for the confinement of persons sentenced within the said District for crimes or offences as aforesaid for periods less than two years.

Division  
Courts.

**11.** The Third and Fourth Division Courts of the District of Thunder Bay, the limits of which are now within the District of Rainy River, shall, after the first day of April, 1885, be respectively known as the First and Second Division Courts of the District of Rainy River, subject to the authority of the Lieutenant-Governor in Council to alter the numbers, limits and extent of the divisions.

47 V., c. 2, re-  
pealed except  
as to sections  
27, 28, 29.

**12.** Whereas the dispute with respect to the Boundary between this Province and the Province of Manitoba has been determined in the manner contemplated by the Act passed at the last session of the Ontario Legislature, chapter two, entitled *An Act respecting the territory in dispute between this Province and the Province of Manitoba*, the said Act is therefore hereby repealed except the 27th, 28th and 29th sections thereof; and whereas the report in that behalf of the Judicial Committee of the Privy Council bears date the 22nd day of July last, and the Order of Her Majesty in Council confirming the same bears date the 11th August following, but the determination of the dispute was not immediately known in the disputed territory, it is hereby declared and enacted that the said Act shall be deemed to have been in force notwithstanding anything therein contained, until the 26th day of October last, but no longer; and the authority of the council at Rat Portage which

which was suspended by the said Act is hereby declared to have been revived from the 26th day of October aforesaid, and the by-laws, rules and regulations theretofore passed or enacted by the Municipal Board of Rat Portage shall, except so far as they have been since varied by the said council, be held to be as valid and effectual as the same would have been had the authority of the said council not been suspended, and had such by-laws, rules and regulations been passed or enacted by the said council.

### SCHEDULE

Of certain Acts and parts of Acts which are applied to the District of Rainy River.

*(Referred to in Section 7.)*

REFERENCE TO ACT.	TITLE OF ACT.	EXTENT OF APPLICATION
R. S. O., c. 7 .....	An Act respecting the Territorial Districts of Muskoka, Parry Sound and Thunder Bay .....	Sections 4 to 8, 11, 12, 14, 18, 19, 20 and 22 to 26.
R. S. O., c. 46 .....	The Surrogate Courts Act .....	Secs. 10, 11, 12 and 13. Subject to the provisions of sec. 4, of this Act.
R. S. O., c. 175 ....	An Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.	The whole, so far as now in force.
43 Vic. c. 12 .....	An Act respecting the Administration of Justice, in the Districts of Algoma, Thunder Bay and Nipissing.	Sub-secs. 5, 6, 7 and 8 of sec. 12.
45 Vic., c. 7 .....	An Act relating to Division Courts in the Districts of Nipissing, Muskoka, Parry Sound and Thunder Bay, and to amend the Division Courts Acts.	The whole.
46 Vic., c. 23 .....	An Act respecting appeals to Stipendiary Magistrates from Municipal Assessment in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay .....	The whole.
47 Vic., c. 33 .....	An Act to amend the Revised Statute respecting Municipal Institutions in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay .....	The whole.



## CHAPTER 21.

An Act for the Preservation of the Natural Scenery  
about Niagara Falls.

[Assented to 30th March, 1885.]

## Preamble.

WHEREAS, the Government of the Dominion of Canada has not availed itself of the provisions of the Act passed in the forty-third year of Her Majesty's reign, entitled *An Act Respecting Niagara Falls and the Adjacent Territory*, and it is desirable that other means should be taken to restore to some extent the scenery around the Falls of Niagara to its natural condition, and to preserve the same from further deterioration, as well as to afford to travellers and others facilities for observing the points of interest in the vicinity;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Short title.

1. This Act may be cited as *The Niagara Falls Park Act*.

## Interpretation

2. "Owner" or "owners" in this Act, besides including any person in whom the legal and equitable estates are vested, shall also include a mortgagor guardian, trustee and committee, and every guardian, trustee and committee shall have authority to agree as to compensation under this Act and bind the persons of whom he is the guardian, trustee or committee.

"Land" or "lands" shall include any parcel of land, stream, pond, water-course, fence and wall, and any easement in any land.

## Commissioners may be appointed.

3. The Lieutenant-Governor in Council may appoint three persons who shall constitute a Board of Commissioners by the name of "The Commissioners for Niagara Falls Park," and the Lieutenant-Governor in Council may from time to time fill any vacancy that may occur in such Board.

## Tenure of office.

4. The said Commissioners shall hold office during pleasure, and shall receive no compensation except their actual disbursements in performing their duties.

## Selection of land.

5. The Board of Commissioners are to select such lands in the vicinity of the Falls of Niagara within Ontario as are in their opinion proper to be set apart for the purposes set out in the preamble of this Act, and for that purpose shall have power to enter upon, examine, measure and survey such lands in the vicinity of the Falls as they may deem necessary to enter upon and examine,

6. The Commissioners are further to report as to the plan which in their opinion ought to be adopted for securing the permanent appropriation of the lands for the objects hereinbefore mentioned; and for the improvement and preservation of the property, and as to the mode in which the same should be managed in order to secure the enjoyment of the same as a public park, together with such other matters as the Commissioners may think fit.

Report of Commissioners as to mode of securing object proposed.

7. The Commissioners shall cause to be made a map of the land which they shall select, which map shall be certified by a majority of said Commissioners.

Map of land selected.

8. In case the Lieutenant-Governor in Council approves of the selection or any part thereof, the lands so approved shall be subject to the provisions of this Act; and in case of such approval copies of the map with the lands marked thereon which shall have been approved as aforesaid, shall be filed in the office of the Registrar for the County of Welland and in the office of the Commissioner of Crown Lands upon the certificate of the Clerk of the Executive Council of Ontario.

Land selected to be subject to Act if approved by Lieutenant-Governor.

9. The Commissioners shall thereupon proceed to ascertain the value of the lands selected and approved as aforesaid, with a view to the same being purchased under the authority of this Act for the objects and uses hereinbefore mentioned.

Value of land to be ascertained.

10. For the purpose of ascertaining and determining the prices to be paid for the said lands, the Commissioners may agree with the respective owners as to the price and terms of payment, subject to the provisions of this Act; and if they are unable to agree the prices to be paid shall be determined by the Provincial Arbitrators in the manner provided for by the *Revised Statute respecting the Public Works of Ontario*; and all the provisions of the said Act, in regard to the mode of determining the compensation to be paid for lands or other property or rights to be acquired by the Commissioner of Public Works, shall apply as nearly as may be in determining the compensation to be paid for lands or other property or rights to be acquired for the purposes of this Act; but in lieu of making any tender the Commissioners may name a price which they are willing to fix as the price to be paid, and notice thereof to the owners shall stand in lieu of a tender. The compensation agreed to or awarded as aforesaid shall be the price to be paid for the lands or rights described in the agreement or award in case the same are taken under this Act or by the authority of the Legislature of this Province within two years after the passing of this Act.

Mode of ascertaining value.

11. After the proceedings hereinbefore provided for determining the value of the lands selected, have been completed, the

Report as to value.

the said Commissioners shall report to the Lieutenant-Governor their proceedings therein, with a statement of the parcels of land proposed to be taken, and the value thereof as determined by arbitration or agreement.

Transfer of  
right to ac-  
quire lands.

12. In case the report of the commissioners so recommends, the Lieutenant-Governor in Council, after giving a notice that proposals will be received from companies willing to undertake the establishment and maintenance of the park under the Act, and after a reasonable publication of the said notice, may transfer to any Trustees, or to a Company incorporated under the Letters Patent Act, or otherwise, the right of acquiring for the purposes aforesaid the said lands at the prices so agreed on or awarded, subject to the ratification of the transfer by the resolution of the Legislative Assembly.

Conditions of  
transfer.

13. Any transfer shall be subject to the following conditions :

(1) The general park grounds of the company shall be open and free to the public without charge, subject to any general rules and regulations of the company as to management, approved of by the Lieutenant-Governor in Council, and in case of question or doubt the Lieutenant-Governor in Council is to determine what grounds come within this condition.

(2) The transferees may mortgage, either by bonds or otherwise, its revenues, but shall have no authority to mortgage or alienate any lands acquired within the limits selected and set forth as aforesaid, and the same shall be kept for public purposes in accordance with the true intent and object of this Act, and shall remain subject to the terms and conditions imposed by the charter granted, or otherwise, unless so far as such terms and conditions shall with the consent of the company be subsequently varied by the Lieutenant-Governor in Council by letters patent in that behalf.

(3) In case the transferees fail to purchase any parcel of land which they are entitled to purchase under this Act, they shall pay to the owner his costs of the proceedings before the arbitrators.

(4) If the transferees after paying for certain parcels of the land to be acquired, fail within such time as the Lieutenant-Governor in Council shall deem reasonable to acquire the residue of the land selected by the Commissioners, and approved by the Lieutenant-Governor as aforesaid, the Lieutenant-Governor in Council, may incorporate another company with like powers, or with such variations as the Lieutenant-Governor in Council may think proper, and upon payment to the former transferees, or into the High Court, of the amount paid as compensation to the owners for the land, such new transferees shall be entitled to take possession of the lands, and to receive a conveyance thereof.



(5) The Lieutenant-Governor in Council, in making the transfer, may reserve to the Province the right of acquiring the lands from the company at such time and on such terms as may be stated in the instrument of transfer.

(6) The Lieutenant-Governor in Council, in making the transfer, may subject the transfer to such other restrictions and conditions as he may deem necessary in the public interest, having regard to the purposes of this Act.

14. The Lieutenant-Governor-in-Council may confer on the transferees under section 12 or 13 of this Act the following powers or any of them :—

Powers which  
may be given  
to transferees.

(1) Power to establish and maintain a public park on the lands so acquired, and to make all improvements which the transferees may think necessary, and the Lieutenant-Governor in Council approve, to give full effect to the points of interest in and about the Falls, and which may be required for the comfort and convenience of the public.

(2) Power to construct and operate inclined planes and elevators to and from the water's edge of the Niagara River, and construct tramways and railways, with one or more set of rails, and to be worked by the force and power of steam, electricity, or of the atmosphere, or of animals, or by any mechanical power, or by any combination of them, in, over and upon the lands acquired by them, as the Lieutenant-Governor in Council may from time to time approve.

Provided always, that the works shall not be commenced until the company has submitted to the Lieutenant-Governor in Council plans of their proposed works and the same shall have been approved by the Lieutenant-Governor in Council.

(3) Power to collect reasonable tolls for the use of the inclined planes or elevators, trams or railways, or other works or appliances which involve the expenditure of money for maintenance or service; provided that all tariffs of the company shall be subject to the approval of the Lieutenant-Governor in Council.

(4) Power to move and change that portion of the present highway between the new suspension bridge and the Table Rock, back from the edge of river bank or cliff, to a distance not exceeding two hundred and fifty yards at any one point so as to permit the planting of trees, and the formation of an esplanade, and other improvements thereon; in case of the removal of the present highway, the said transferees shall construct another and as convenient a highway, at their own expense, and the change of said highway shall not take place until the new and substituted highway shall have been constructed and approved by the Lieutenant-Governor in Council.

(5) Power to make any arrangement or agreement with any railway, road or bridge company, lawfully authorized in that behalf,

behalf, for the use or otherwise of any railway, road or bridge, connecting with, or in the vicinity of the said property, and for the better carrying out of the objects of the said company.

(6) Power to make rules, regulations or by-laws for the user of their property by the public, and for the maintenance of order thereon, subject to the approval of the Lieutenant-Governor in Council; and any person appointed to keep order, may, after taking the oath of office before a justice of the peace, and after his appointment, as approved in writing by the County Judge, act as and perform the duties, and be subject to the responsibilities, of a constable and peace officer, within the limits of said property and the municipalities adjacent thereto.

Transfer subject to ratification by Legislative Assembly.

Payment of compensation money into court.

**15.** The transfer and the grant of the said powers shall be subject to ratification by resolution of the Legislative Assembly.

**16.** If the person conveying lands or property selected under this Act could not, without this Act, have conveyed the same or agreed for the compensation to be paid therefor, or if any owner or party to whom the compensation money or any part thereof is payable, refuses to execute the proper conveyance, or other requisite instrument of transfer of the lands, or if the person entitled to claim the compensation cannot be found, or is unknown, or if there is reason to fear any claim or incumbrance, the compensation money agreed upon or awarded may be paid into the High Court of Justice (with the interest thereon for six months), and a copy of the conveyance, or of the agreement or award if there be no conveyance, verified by affidavit, may be delivered to the registrar or other proper officer of the Court.

When compensation to stand in place of the land.

**17.** The compensation money for any lands acquired or taken under this Act without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon such lands shall be converted into a claim to the compensation money or to a proportionate amount thereof, and shall be unavailing as respects the lands themselves.

Possession.

**18.** Possession shall not be taken of any part of any lands valued as aforesaid until the amount agreed on or awarded for the same shall have been paid to the persons appearing to be entitled, or paid into court under the provisions of this Act.

When notice to incumbrancers required.

**19.** Where land selected and taken under this Act is subject to a mortgage or other incumbrance, it shall not be necessary to notify the mortgagee or other incumbrancers of any arbitration proceedings taken to determine the value of the land, unless the Commissioners intend to urge a price to be named which would be insufficient to pay off the incumbrance.

Owner entitled to costs of land not taken.

**20.** If the land is not taken and paid for within two years as aforesaid, the owner shall be entitled to receive the costs

costs to which he has been put in any proceedings taken for determining by arbitration the value of his land; the amount of such costs shall be stated in the award of the arbitrators, whether the arbitrators direct that the party shall be entitled to such costs in the event of the land being purchased, or direct otherwise.

21. Subject to the provisions of the last section, the arbitrators shall have full authority to determine by and to whom any costs incurred in connection with any arbitration shall be paid, but any costs which should be paid by an owner to the Commissioners shall be directed by the award to be paid to the Treasurer of Ontario; the award as to costs shall not take effect until the land is purchased, and if any such costs are directed to be paid to the said Treasurer by an owner the same shall be paid to the said Treasurer and deducted from the price of the land.

Costs to be in discretion of arbitrators.

22. For greater certainty, it is hereby declared that the following sections of the *Act respecting the Public Works of Ontario*, being chapter 30 of the Revised Statutes, shall, as nearly as may be, and unless where inconsistent with this Act, apply to proceedings to acquire the said lands under this Act, that is to say, sections 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 40, 41, 42, 43 and 44; and the powers or rights which by the said sections, or any of them, are vested in the Commissioner of Public Works or the Crown, are hereby vested in the said Board of Commissioners, until and unless the right to purchase is transferred as provided by this Act, and thereafter the same are hereby vested in the transferees subject to the provisions of this Act; and in applying the provisions of the said Act while the Commissioners are acting, "the Board of Commissioners;" shall be substituted for "the Crown" or "the Commissioner," where either of the said expressions is used in the said Act; and in case of a transfer to others where the transferees are acting, the transferees by their corporate or other proper name, shall be substituted for the said expressions.

Application of R. S. O. c. 30, to proceedings under this Act.

23. The Act passed in the forty-third year of Her Majesty's reign, chapter 13, entitled *An Act respecting Niagara Falls and the Adjacent Territory*, is hereby repealed.

43 V. c. 13, repealed.



## CHAPTER 22.

An Act to simplify Titles and to facilitate the  
Transfer of Land.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows :—

## PRELIMINARY.

- Short title.      1. This Act may be cited as the "*Land Titles Act, 1885.*"
- Commence-  
ment of Act.      2. (1) This Act shall come into operation on such day as  
the Lieutenant-Governor in Council shall, by proclamation,  
appoint, and shall apply to the City of Toronto and County  
of York only, until the Legislature otherwise provides.
- Imp. 38 & 39  
V. c. 87, s. 3.      (2) Any orders or rules, and any appointment to any office,  
may be made under this Act at any time after the passing  
thereof, but shall not take effect until the commencement of  
this Act.
- Interpreta-  
on.      (3) The said day named in the said proclamation, is the day  
referred to in this Act as the commencement thereof.
3. In this Act, unless there is something inconsistent in the  
context,—
- "Court" means the High Court of Justice; and any juris-  
diction of the court under this Act may be exercised by any  
judge of the said court; and may be exercised by him whether  
sitting in open court or in chambers.
- "Owner" means owner in fee simple.
- "Transfer" includes the whole estate and interest of the  
transferor.
- "Person" includes a corporation or any body of persons un-  
incorporate.
- "Master of Titles," and "general rules" mean the "Master  
of Titles," and "general rules" in this Act respectively in  
that behalf mentioned.
- "Prescribed" means prescribed by this Act or by any general  
rules made in pursuance of this Act.
- "Registered" means registered under this Act.
- "Sworn Valuator" means a person appointed by the Master  
of Titles, with the approval of the Lieutenant-Governor in  
Council, to value land under this Act.

PART

## PART I.

## ENTRY OF LAND ON REGISTER OF TITLE

4. A Land Registry shall be established, and the business thereof shall be conducted by an officer to be called the Master of Titles, who shall be a barrister of not less than ten years' standing at the Bar of Ontario, and shall be appointed by the Lieutenant-Governor by commission under the Great Seal of the Province.

Land registry established.

Imp. 38 & 39  
V. c. 87, ss.  
5, 106.

5. On and after the commencement of this Act, any person entitled for his own benefit at law or in equity to an estate in fee simple in land, whether subject or not to incumbrances, or any person capable of disposing for his own benefit by way of sale of an estate in fee simple in land, whether subject or not to incumbrances, may apply to the Master of Titles to be registered under this Act, or to have registered in his stead any nominee or nominees, as owner or owners of such land, with an Absolute title, or with a Possessory title only, as the case may be.

Application for registration with absolute or possessory title.

Imp. 38 & 39  
V. c. 87, s. 5  
R. S. O.,  
c. 110, s. 2.

6. Any person who has contracted to buy for his own benefit an estate in fee simple in land, whether subject or not to incumbrances, may also apply as aforesaid, provided the vendor consents to the application.

Application by purchaser.

Imp. 38 & 39  
V. c. 87, s. 5.

7. Her Majesty's Attorney-General for Canada, or Her Majesty's Attorney-General for Ontario, may apply in like manner in respect to the title of the Crown to any land; and the practice and procedure upon the application shall be the same as in ordinary cases.

Application by Crown.

Imp. 38 & 39  
V. c. 87, s. 6;  
R. S. O.,  
c. 110, s. 4.

8. Where an Absolute title is required, the applicant or his nominee shall not be registered as owner of the fee simple until and unless the title is approved by the Master of Titles.

Evidence where absolute title required.

Imp. 38 & 39  
V. c. 87, s. 6.

9. The first registration of any person as owner of land (in this Act referred to as first registered owner) with an Absolute title, shall vest in the person so registered an estate in fee simple in such land, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:

Estate of first registered owner with absolute title.

Imp. 38 & 39  
V. c. 87, s. 7.

(1) To the incumbrances, if any, entered on the register;

(2) To such liabilities, rights and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances, unless, under the provisions of this Act, the contrary is expressed on the register.

(3) Where such first registered owner is not entitled for his own benefit to the land registered, then as between him and any

any

any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled; but free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province.

Evidence where possessory title required.

Imp. 38 & 39  
V. c. 87, s. 6.

**10.** Where a Possessory title only is required, the applicant or his nominee may be registered as owner of the fee simple on giving such evidence of title, and serving such notices, if any, as may for the time being be prescribed.

Estate of first registered owner with possessory title.

Imp. 38 & 39  
V. c. 87, s. 8.

**11.** The registration of any person as first registered owner of land with a Possessory title only, shall not affect or prejudice the enforcement of any estate, right, or interest adverse to or in derogation of the title of such first registered owner, and subsisting or capable of arising at the time of registration of such owner; but, save as aforesaid, shall have the same effect as registration of a person with an Absolute title.

A qualified title may be registered in certain cases.

Imp. 38 & 39  
V. c. 87, s. 9.

**12.** (1) Where an Absolute title is required, and on the examination of the title it appears to the Master of Titles that the title can be established only for a limited period, or subject to certain reservations, the Master, on the application of the party applying to be registered, may, by an entry made in the register, except from the effect of registration any estate, right, or interest arising before a specified date, or arising under a specified instrument, or otherwise particularly described in the register.

(2) A title registered subject to such excepted estate, right, or interest shall be called a Qualified title.

(3) The registration of a person as first registered owner of land with a Qualified title shall have the same effect as the registration of such person with an Absolute title, save that registration with a Qualified title shall not affect or prejudice the enforcement of any estate, right, or interest appearing by the register to be excepted.

Land certificate given on registration.

Imp. 38 & 39  
V. c. 87, s. 10.

**13.** On the entry of the name of the first registered owner of freehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a Certificate, in this Act called a Land Certificate, in the prescribed form; the Certificate shall state whether the title of the owner therein mentioned is Absolute, Qualified, or Possessory.

Registry Act (R.S.O. c. 111) not to apply to land under this Act.

**14.** A certificate by the Master of Titles of the first registration of an owner under this Act shall be registered in the registration division in which the land is situated; and thereafter the *Registry Act* shall cease to apply to the said land.



## PART II.

## LEASEHOLD LAND.

**15.** A separate register shall be kept of leasehold land, and on and after the commencement of this Act any of the following persons; that is to say,

(1) Any person who has contracted to buy for his own benefit leasehold land held under a lease for a life or lives, or determinable on a life or lives, or for a term of years of which more than 21 are unexpired, whether subject or not to incumbrances; and

(2) Any person entitled for his own benefit, at law or in equity, to leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances; and

(3) Any person capable of disposing for his own benefit by way of sale of leasehold land held under any such lease as is described in this section, whether subject or not to incumbrances; may apply to the Master of Titles to be registered, or to have registered in his stead any nominee or nominees not exceeding the prescribed number, as owner or owners of such leasehold land, with the addition, where the lease under which the land is held is derived immediately out of freehold land, and the applicant is able to submit for examination the title of the lessor, of a declaration of the title of the lessor to grant the lease under which the land is held;

(a) Provided that in the case of leasehold land contracted to be bought, the vendor consents to the application;

(b) Every applicant for registration of leasehold land shall deposit with the Master of Titles the lease of the land in respect of which the application is made, or if such lease is proved to the satisfaction of the Master of Titles to be lost, a copy of such lease or of a counterpart thereof, verified to the satisfaction of the Master of Titles; and such lease or attested copy is in this Act referred to as the registered lease;

(c) Leasehold land held under a lease containing an absolute prohibition against alienation, shall not be registered in pursuance of this Act;

(d) Leasehold land held under a lease containing a prohibition against alienation without the license of some other person, shall not be registered under this Act until and unless provision is made in the prescribed manner for preventing alienation without such license, by entry in the register of a restriction to that effect, or otherwise.

**16.** An applicant or his nominee shall not be registered as owner of leasehold land until and unless the title to such land is approved by the Master of Titles; and further, if he apply to

Application for registration with or without a declaration of title of lessor to grant lease. Imp. 38 & 39 V. c. 87, s. 11.

Evidence of title required on application. be

Imp. 38 & 39  
V. c. 87, s. 12.

be registered as owner of leasehold land with a declaration of the title of the lessor to grant the lease under which the land is held, until and unless the lessor, after an examination of his title by the Master of Titles, is declared to have had an Absolute or Qualified title to grant the lease under which the land is held.

Estate of first registered owner of leasehold land with a declaration of absolute title of lessor to grant lease.

Imp. 38 & 39  
V. c. 87, s. 13.

**17.** The registration under this Act of any person as first registered owner of leasehold land with a declaration that the lessor had an Absolute Title to grant the lease under which the land is held, shall be deemed to vest in such person the possession of the land comprised in the registered lease relating to such land for all the leasehold estate therein described, with all implied or expressed rights, privileges and appurtenances attached to such estate, but subject as follows:

(1) To all implied and express covenants, obligations and liabilities incident to such leasehold estate; and

(2) To the incumbrances (if any) entered on the register; and

(3) (Unless the contrary is expressed on the register) to such liabilities, rights and interests as affect the leasehold estate and are by this Act declared not to be incumbrances in the case of registered freehold land; and

(4) Where such first proprietor is not entitled for his own benefit to the land registered as between himself and any persons claiming under him, to any unregistered estates, rights, interests or equities to which such persons may be entitled;

But free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, in case the land is within the jurisdiction of this Legislature in that behalf.

Estate of first registered owner of leasehold land without a declaration of title of lessor to grant lease.

Imp. 38 & 39  
V. c. 87, s. 14.

**18.** The registration of any person under this Act as first registered owner of leasehold land without a declaration of the title of the lessor, shall not affect or prejudice the enforcement of any estate, right, or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall have the same effect as the registration of any person under this Act as first registered owner of leasehold land with a declaration that the lessor had an Absolute title to grant the lease under which the land is held

Lessor may be declared to have a qualified title to grant lease, in certain cases.

**19.** Where an Absolute title is required, and on the examination of the title of any lessor by the Master of Titles, it appears to him that the title of such lessor to grant the lease under which the land is held can be established only for a limited period, or subject to certain reservations, the Master of Titles may, by an entry made in the register, except from the

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effect of registration, any estate, right, or interest arising before a specified date or arising under a specified instrument, or otherwise particularly described in the register; and a title of a lessor registered subject to such excepted estate, right, or interest is in this Act referred to as a Qualified title; and the registration of a person as first registered owner of the leasehold land with a declaration that the lessor had a Qualified title to grant the lease under which the land is held, shall have the same effect as the registration of such person with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that registration with the declaration of a Qualified title shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

20. On the entry of the name of the first registered owner of leasehold land on the register, the Master of Titles shall, if required by the owner, deliver to him a copy of the registered lease, in this Act called an office copy, authenticated in the prescribed manner, and there shall be endorsed thereon a statement whether any declaration, Absolute or Qualified, as to the title of the lessor has been made, and any other particulars relating to such lease entered in the register.

Office lease  
given on  
registration.  
Imp. 38 & 39  
V. c. 87, s. 16.

### PART III.

#### REGISTRATION, HOW EFFECTED.

21. The examination by the Master of Titles of a title under this Act shall be conducted in the prescribed manner, provided as follows:

Regulations as  
to examination  
of title by  
Master.

(1) Due notice shall be given where the giving of such notice is prescribed; and sufficient opportunity shall be afforded to any persons desirous of objecting, to come in and state their objections to the Master of Titles.

Imp. 38 & 39  
V. c. 87, s. 17.

(2) The Master of Titles shall have jurisdiction to hear and determine any such objections, subject to an appeal to the Court in the prescribed manner and on the prescribed conditions.

(3) If the Master of Titles, upon the examination of any title, is of the opinion that the title is open to objection, but is nevertheless a title the holding under which will not be disturbed, he may approve of such title, or may require the applicant to apply to the Court, upon a statement signed by the Master, for its sanction to the registration.

(4) It shall not be necessary to produce any evidence which, by the first section of *The Act to amend the law of Vendor and Purchaser and to Simplify Titles*, is dispensed with as between vendor

R. S. O.,  
c. 110, s. 10(2).



vendor and purchaser, nor to produce or account for the originals of any registered deeds, documents or instruments, unless where the Master of Titles otherwise directs.

R. S. O.,  
c. 110, s. 10 (1)

(5) The Master of Titles in investigating the title may receive and act upon any evidence which is now received by any of the Courts on a question of title; or any evidence which the practice of English conveyancers authorizes to be received on an investigation of a title out of Court; or any other evidence, whether the same is or is not receivable or sufficient in point of strict law, or according to the practice of English conveyancers, provided the same satisfies him of the truth of the facts intended to be made out thereby.

(6) The said Master of Titles may refer to and act upon not only the evidence adduced before him in the proceeding in which such evidence is adduced, but also any evidence adduced before him in any other proceeding wherein the facts to which such evidence relates were or are in question.

Liability of  
registered land  
to easements  
and certain  
other rights.

R. S. O.,  
c. 110, s. 26;  
Imp. 38 & 39  
V. c. 87, s. 18.

**22.** All registered land shall, unless under the provisions of this Act the contrary is expressed on the register, be deemed to be subject to such of the following liabilities, rights, and interests as for the time being may be subsisting in reference thereto, and such liabilities, rights and interests shall not be deemed incumbrances within the meaning of this Act; (that is to say)—

(1) Municipal Taxes for the current year;

(2) Any municipal charges, rates or assessments theretofore imposed for local improvements, and not yet due and payable;

(3) Any public highway, any right of way, water-course, and right of water, and other easements;

(4) Any title or lien which, by possession or improvements or other means, the owner or person interested in any adjoining land has acquired to or in respect of the registered land; and the description of the land shall not, as against adjoining owners, be conclusive as to the boundaries or extent thereof;

(5) Any lease or agreement for a lease, for a period yet to run, of not exceeding three years, where there is actual occupation under the same;

(6) Any right of appropriation which may by Statute be vested in any person, or body corporate;

(7) Any right of the wife or husband of the person registered as owner to dower or curtesy (as the case may be) in case of surviving such owner;

(8) Any right mentioned in the third sub-section of section 9 of this Act;

But

But if the applicant desires the certificate to declare the title to be free from the said particulars, or any of them, his application shall so state, and the investigation shall proceed accordingly.

*Discharge of Incumbrances existing at First Registration.*

**23.** Where upon the first registration of any land, notice of an incumbrance affecting such land has been entered on the register, the Master of Titles shall, on proof to his satisfaction of the discharge of such incumbrance, notify in the prescribed manner on the register, by cancelling the original entry or otherwise, the cessation of such incumbrance.

Discharge of  
incumbrance.  
Imp. 38 & 39  
V. c. 87, s. 19.

*Determination of Lease existing at First Registration.*

**24.** The Master of Titles shall, on proof to his satisfaction of the determination of any lease of registered land, notify in the prescribed manner on the register, the determination of such lease.

Determina-  
tion of lease.  
Imp. 38 & 39  
V. c. 87, s. 20.

*Adverse Possession as against Registered Owner.*

**25.** (1) A title to any land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession.

No acquisition  
of title by  
adverse pos-  
session.

(2) But this section shall not prejudice, as against any person registered as first owner of land with a Possessory title only, any adverse claim in respect of length of possession of any other person who was in possession of the land at the time when the registration of such first owner took place.

Imp. 38 & 39  
V. c. 87, s. 21.

## PART IV.

### REGISTERED DEALINGS WITH REGISTERED LAND.

*Mortgage of Registered Land.*

**26.** (1) Every registered owner of land may, in the prescribed manner, charge the land with the payment at an appointed time of any principal sum of money either with or without interest, and with or without a power of sale to be exercised at or after a time appointed.

Creation of  
charges, and  
delivery of  
certificate of  
charge.

Imp. 38 & 39  
V. c. 87, s. 22.

(2) The charge shall be completed by the Master of Titles entering on the register the person in whose favour the charge is made as the owner of the charge, and the particulars of the charge, and of the power of sale, if any.

(3) The Master of Titles shall also, if required, deliver to the owner of the charge a Certificate of Charge, in the prescribed form.

Implied covenant to pay charges.

Imp. 38 & 39  
V. c. 87, s. 23;  
Victoria Act,  
s. 90.

**27.** Where a Registered Charge is created on any land, there shall be implied on the part of the person being registered owner of the land at the time of the creation of the charge, his heirs, executors, and administrators (unless there be an entry on the register negating the implication), as follows:—

(1) A covenant with the registered owner for the time being of the charge to pay the principal sum charged, and interest, if any, thereon, at the appointed time and rate;

(2) A covenant, if the principal sum or any part thereof is unpaid at the appointed time, to pay interest half-yearly at the appointed rate on so much of the principal sum as for the time being remains unpaid.

Implied covenant in case of leaseholds to pay rent, etc., and indemnify owner of charge

Imp. 38 & 39  
V. c. 87, s. 24.

**28.** Where a registered charge is created on any leasehold land, there shall be implied on the part of the person being registered owner of such leasehold at the time of the creation of the charge, his heirs, executors, and administrators, unless there be an entry on the register negating the implication, as follows:—

(1) A covenant with the registered owner for the time being of the charge, that the person being registered owner of such leasehold at the time of the creation of the charge, his executors, administrators and assigns, will pay, perform and observe the rent, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed;

(2) And will keep the owner of the charge, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims, on account of the non-payment of the said rent, or any part thereof, or the breach of the said covenants or conditions, or any of them.

Entry by owner of charge.

Imp. 38 & 39  
V. c. 87, s. 25.

**29.** Subject to any entry to the contrary on the register, the registered owner of a registered charge may, for the purpose of obtaining satisfaction of any moneys due to him under the charge, at any time during the continuance of his charge, enter upon the land charged, or any part thereof, or into the receipt of the rents and profits thereof, subject nevertheless to the right of any persons appearing on the register to be prior incumbrancers, and to the liability attached to a mortgagee in possession.

Foreclosure by owner of charge.

Imp. 38 & 39  
V. c. 87, s. 26.

**30.** Subject to any entry to the contrary on the register, the registered owner of a registered charge may enforce a foreclosure or sale of the land charged, in the same manner and under the same circumstances in and under which he might enforce the same if the land had been transferred to him by way of mortgage, subject to a proviso for redemption on payment of the money named at the appointed time.



**31.** Subject to any entry to the contrary on the register, the registered owner of a registered charge with a power of sale may, at any time after the expiration of the appointed time, sell and transfer the land (that is, the interest therein which is the subject of the charge), or any part of such land, in the same manner as if he were the registered owner of the land, to the extent of the interest therein aforesaid.

Remedy of owner of charge with a power of sale.  
Imp. 38 & 39  
V. c. 87, s. 27.

**32.** Subject to any entry to the contrary on the register, registered charges on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created.

Priority of registered charges.  
Imp. 38 & 39  
V. c. 87, s. 28.

**33.** The Master of Titles shall, on the requisition of the registered owner of any charge, or on due proof of the satisfaction thereof, notify on the register in the prescribed manner, by cancelling the original entry or otherwise, the cessation of the charge; and thereupon the charge shall be deemed to have ceased.

Discharge to be notified on register.  
Imp. 38 & 39  
V. c. 87, s. 28.

*Transfers after land is brought under this Act.*

**34.** (1) Every registered owner of land may, in the prescribed manner, transfer such land or any part thereof.

Transfer of land, and delivery of land certificate.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the land transferred; and until such entry is made the transferor shall be deemed to remain owner of the land.

Imp. 38 & 39  
V. c. 87, s. 29.

(3) Upon completion of the registration of the transferee, the Master of Titles shall, if required, deliver to him a Land Certificate in the prescribed form.

(4) Where part only of the land is transferred, the Master of Titles shall also, if required, deliver to the transferor a Land Certificate containing a description of the land retained by him.

**35.** A transfer for valuable consideration of land registered with an Absolute title shall, when registered, confer on the transferee an estate in fee simple in the land transferred, together with all rights, privileges, and appurtenances belonging or appurtenant thereto, subject as follows:—

Estate of transferee for valuable consideration of land with absolute title.

Imp. 38 & 39  
V. c. 87, s. 30.

(1) To the incumbrances, if any, entered on the register; and

(2) To such liabilities, rights, and interests, if any, as are by this Act declared for the purposes of the Act not to be incumbrances (unless the contrary is expressed on the register),

But free from all other estates and interests whatsoever, including estates and interests of Her Majesty, her heirs and successors, which are within the legislative jurisdiction of this Province.

Estate of transferee for valuable consideration of land with qualified title.  
Imp. 38 & 39  
V. c. 87, s. 31.

**36.** A transfer for valuable consideration of land registered with a Qualified title shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted.

Estate of transferee for valuable consideration of land with possessory title.  
Imp. 38 & 39  
V. c. 87, s. 32.

**37.** A transfer for valuable consideration of land registered with a Possessory title shall not affect or prejudice the enforcement of any right or interest adverse to or in derogation of the title of the first registered owner, and subsisting, or capable of arising, at the time of the registration of such owner; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with an Absolute title.

Estate of voluntary transferee of land.  
Imp. 38 & 39  
V. c. 87, s. 33.

**38.** A transfer of land registered under this Act, made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects, and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration.

*Transfers of leaseholds under this Act.*

Transfer of leasehold land and delivery of office lease.  
Imp. 38 & 39  
V. c. 87, s. 34.

**39.** (1) Every registered owner of any leasehold land may, in the prescribed manner, transfer the whole of his estate in such land or in any part thereof.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the leasehold transferred, but until such entry is made the transferor shall be deemed to remain owner.

(3) Upon completion of the registration of the transferee, if the transfer includes the whole of the land comprised in the registered lease relating to such land, the transferee shall be entitled to the office copy of the registered lease.

(4) If a part only is transferred, the Master of Titles shall, if required according to any agreement that has been entered into between the transferor and transferee, deliver to the one the office copy of the registered lease and to the other a fresh office copy of such lease, each of such copies shewing, by endorsement or otherwise, the parcels of which the person to whom such copy is delivered is the registered owner.

Estate of transferee for valuable consideration of

**40.** A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held shall, when

when registered, be deemed to vest in the transferee the possession of the land transferred for all the leasehold estate described in the registered lease relating to such land and then unexpired, with all implied or expressed rights, privileges, and appurtenances attached to such estate, but subject as follows:

(1) To all implied and express covenants, obligations, and liabilities incident to such estate;

(2) To the incumbrances (if any) entered on the register;

(3) To such liabilities, rights, and interests as affect the leasehold estate and are by this Act declared for the purposes of the Act not to be incumbrances in the case of registered freehold land (unless the contrary is expressed on the register);

But free from all other estates and interests whatsoever, including any estates and interests of Her Majesty, her heirs and successors, which may be subject to the legislative authority of this Province.

**41.** A transfer for valuable consideration of leasehold land registered without a declaration of the title of the lessor, shall not affect the enforcement of any estate, right or interest affecting or in derogation of the title of the lessor to grant the lease under which the land is held; but, save as aforesaid, shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held.

Estate of transferee for valuable consideration of leasehold land without a declaration of title of lessor.  
Imp. 38 & 39  
V. c. 87, s. 37.

**42.** A transfer for valuable consideration of leasehold land registered with a declaration that the lessor had a Qualified title to grant the lease under which the land is held shall, when registered, have the same effect as a transfer for valuable consideration of the same land registered with a declaration that the lessor had an Absolute title to grant the lease under which the land is held, save that such transfer shall not affect or prejudice the enforcement of any right or interest appearing by the register to be excepted from the effect of registration.

Estate of transferee for valuable consideration of leasehold land with a declaration of qualified absolute title of lessor.  
Imp. 38 & 39  
V. c. 87, s. 36.

**43.** A transfer of a registered leasehold interest in land made without valuable consideration shall, so far as the transferee is concerned, be subject to any unregistered estates, rights, interests, or equities subject to which the transferor held the same; but, save as aforesaid, shall, when registered, in all respects and in particular as respects any registered dealings on the part of the transferee, have the same effect as a transfer of the same land for valuable consideration.

Estate of voluntary transferee of leasehold land.  
Imp. 38 & 39  
V. c. 87, s. 38.

**44.** On the transfer of any registered leasehold interest in land under this Act, unless there be an entry on the register negating such implication, there shall be implied as follows:—

Implied covenants on transfer of leasehold estates.

(1)



Imp. 38 & 39  
V. c. 87, s. 39

(1) On the part of the transferor, a covenant with the transferee that,—notwithstanding anything by such transferor done, omitted, or knowingly suffered,—the rents, covenants, and conditions reserved and contained by and in the registered lease, and on the part of the lessee to be paid, performed, and observed, have been so paid, performed, and observed up to the date of the transfer; and

(2) On the part of the transferee, a covenant with the transferor, that he, the transferee, his executors, administrators, or assigns, will pay, perform, and observe the rents, covenants, and conditions by and in the registered lease reserved and contained, and on the part of the lessee to be paid, performed, and observed, and will keep the transferor, his heirs, executors, and administrators, indemnified against all actions, suits, expenses, and claims on account of the non-payment of the said rent or any part thereof, or the breach of the said covenants or conditions, or any of them.

### *Transfer of Charges.*

Transfer of  
charges on  
register.

Imp. 38 & 39  
V. c. 87, s. 40.

**45.** (1) The registered owner of any charge may, in the prescribed manner, transfer such charge to another person as owner.

(2) The transfer shall be completed by the Master of Titles entering on the register the transferee as owner of the charge transferred.

(3) The Master of Titles shall also, if required, deliver to the transferee a fresh Certificate of Charge.

(4) The transferor shall be deemed to remain owner of such charge until the name of the transferee is entered on the register in respect thereof.

### *Transmission of Land and Charges on Owner's Death.*

Transmission  
on death of  
freehold land.

Imp. 38 & 39  
V. c. 87, s. 41.

**46.** On the death of the sole registered owner, or of the survivor of several joint registered owners, of any freehold land, such person shall be registered as owner, in the place of the deceased owner or owners, as may on the application of any person interested in such land, be appointed by the Master of Titles, regard being had to the rights of the several persons interested in the land, and in particular to the selection of any such persons as may for the time being appear to the Master of Titles to be entitled, according to law, to be so appointed: subject to an appeal to the Court in the prescribed manner by any person aggrieved by any order of the Master under this section.

Transmission  
on death of  
leasehold land  
or of charge.

Imp. 38 & 39  
V. c. 87, s. 42.

**47.** On the death of the sole registered owner, or of the survivor of several joint registered owners of any leasehold land or of any charge, the executor or administrator of such sole deceased owner, or of the survivor of such joint owners, shall be entitled to be registered as owner in his place. **48**

**48.** Any person registered in the place of a deceased owner shall hold the land or charge, in respect of which he is registered, upon the trusts and for the purposes to which the same is applicable by law, and subject to any unregistered estates, rights, interests, or equities subject to which the deceased owner held the same; but, save as aforesaid, he shall in all respects, and in particular as respects any registered dealings with such land or charge, be in the same position as if he had taken such land or charge under a transfer for a valuable consideration.

Nature of title of registered fiduciary owner.

Imp. 38 & 39  
V. c. 87, s. 46.

**49.** The fact of any person having become entitled to any land or charge in consequence of the death of any registered owner, shall be proved in the prescribed manner.

Evidence of transmission of registered ownership.  
Imp. 38 & 39  
V. c. 87, s. 47.

**50.** No person other than the parties thereto shall be held to have any notice of the contents of any instrument, beyond the particulars contained in the register, or necessarily to be inferred therefrom.

Notice by registration.

**51.** (1) The Sheriff, forthwith after the delivery to him of any execution or other writ, and any renewal thereof, affecting registered land, shall deliver or transmit by registered letter to the Master of Titles a copy of the writ certified under his hand; and no land registered under this Act shall be bound by any such writ until such copy has been received by the Master; and from and after the receipt by him of the copy, no transfer by the execution debtor shall be effectual, except subject to the rights of the execution creditor under the writ.

Notice of executions.  
Victoria, s. 106; South Australia, Act of 1861, s. 93; West Australia, Act of 1874, s. 96.

(2) The Master of Titles shall keep a book in the prescribed form, in which shall be entered a record of all writs received by him from the Sheriff as aforesaid.

(3) No sale or transfer under any such writ shall be valid as against a person purchasing for valuable consideration before such entry is made, notwithstanding the purchaser may have had notice of the writ.

(4) Upon production to the Master of Titles of sufficient evidence of the satisfaction of any such writ, he shall cause an entry to be made in the register to that effect; and on such entry such writ shall be deemed to be satisfied.

(5) The Sheriff shall be entitled to a fee of fifty cents for each writ transmitted by him to the Master of Titles in manner aforesaid.

**52.** Where any land which has been registered under this Act shall be sold by the Sheriff under execution, the Master of Titles shall, upon the production to him of the transfer of the same by the Sheriff in the prescribed form, with proof of the due execution thereof, cause a notice to be mailed to the proper post-office address of the person whose interest in the land

Sale under execution.

land shall have been sold; and after the expiration of two weeks from the mailing of the notice, and, on proof to his satisfaction of the payment of all municipal taxes, except the taxes for the current year, and all charges, rates, or assessments theretofore imposed for local improvements, and then due or payable, and if no other person has become entitled meanwhile for want of entry of the said writ or otherwise, the Master of Titles shall register the purchaser as the owner of the land, and shall issue to him a certificate in the prescribed form.

*Sale for taxes.*

**53.** Where any land which has been registered under this Act shall be sold for taxes, the purchaser may at any time after the sale lodge a Caution against the transfer of the land; and upon the completion of the time allowed by law for redemption, and upon the production of the transfer of the land in the prescribed form, with proof of the due execution thereof by the proper officer, the Master of Titles shall cause a notice to be mailed to the proper post-office address of the several persons who appear upon the register to be interested in the land; and after the expiration of three months from the mailing of the notice, shall register the purchaser at the sale as owner of the land, with an Absolute title; and shall, if required, issue to the purchaser a certificate of title in the prescribed form, unless the registration shall in the meantime be stayed by the order of the Court; and in that case the registration shall not be made, nor shall the certificate be issued, except in accordance with the order and direction of the Court.

## PART V.

### UNREGISTERED DEALINGS WITH REGISTERED LAND.

*Effect of un-registered dispositions.*

*Imp. 38 & 39  
V. c. 87, s. 49.*

**54.** (1) The registered owner alone shall be entitled to transfer or charge registered land by a registered disposition.

(2) But, subject to the maintenance of the estate and right of such owner, any person, whether the registered owner or not of any registered land, having a sufficient estate or interest in the land, may create estates, rights, interests and equities in the same manner as he might do if the land were not registered.

(3) And any person entitled to or interested in any unregistered estates, rights, interests, or equities in registered land may protect the same from being impaired by any act of the registered owner, by entering on the register such notices, cautions, inhibitions, or other restrictions as are in this Act in that behalf mentioned.

(4)



(4) The registered owner alone shall be entitled to transfer a registered charge by a registered disposition; but, subject to the maintenance of the right of such owner, unregistered interests in a registered charge may be created in the same manner and with the same incidents, so far as the difference of the subject-matter admits, in and with which unregistered estates and interests may be created in registered land.

### *Notices of Leases.*

**55.** (1) Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land made subsequently to the last transfer of the land on the register, where the term granted is for a life or lives, or is determinable on a life or lives, or exceeds 21 years, or where the occupation is not in accordance with such lease or agreement may apply to the Master of Titles to register notice of such lease or agreement in the prescribed manner.

Lessee may apply for registration of notice of lease.  
Imp. 38 & 39  
V. c. 87, s. 50.

(2) When so registered every registered owner of the land and every person deriving title through him, excepting owners of incumbrances registered prior to the registration of such notice, shall be deemed to be affected with notice of the lease or agreement as being an incumbrance on the land in respect of which the notice is entered.

**56.** (1) In order to register notice of a lease or agreement for a lease, if the registered owner of the land does not concur in such registry, the applicant shall apply to the Master of Titles on notice to the registered owner for leave to register the notice of such lease or agreement, and shall deliver to the Master of Titles, the original lease or agreement or a copy thereof; and in case the application is granted the Master shall make a note in the register identifying the lease or agreement or copy so deposited, and the lease or agreement or copy so deposited shall be deemed to be the instrument of which notice is given.

Manner of registering notices of leases.  
Imp. 38 & 39  
V. c. 87, s. 51.

(2) If the registered owner concurs in such registry, notice may be entered in such manner as may be agreed upon.

### *Notice of Estates in Dower or by the Curtesy.*

**57.** Any person entitled to an estate in dower or by the curtesy in any registered land, may apply in the prescribed manner to the Master of Titles to register notice of such estate; and the Master of Titles, if satisfied of the title of such person to such estate, shall register notice of the same accordingly in the prescribed form; and when so registered, such estate shall be an incumbrance appearing on the register, and shall be dealt with accordingly.

Registration of notices of estates in dower or by the curtesy.  
Imp. 38 & 39  
V. c. 87, s. 52.

### *Caution*

*Caution against Registered Dealings.*

Caution  
against  
registered  
dealings, how  
to be lodged.  
Imp. 38 & 39  
V. c. 87, s. 53.

**58.** (1) Any person interested in any way in any land or charge registered in the name of any other person, may lodge a Caution with the Master of Titles to the effect that no dealings with such land or charge be had on the part of the registered owner until notice has been served upon the cautioner.

(2) The Caution shall be supported by an affidavit or declaration made by the cautioner or his agent in the prescribed form, and containing the prescribed particulars.

(3) Provided, that a person interested under a lease, or agreement for a lease, of which notice has been entered on the register, or a person entitled to an estate in dower, or estate by the curtesy, of which notice has been entered on the register, shall not be entitled to a caution in respect of such lease or estate in dower or by the curtesy.

Cautioner en-  
titled to notice  
of proposed  
registered  
dealings.

Imp. 38 & 39  
V. c. 87, s. 54.

**59.** (1) After any such Caution has been lodged, the Master of Titles shall not, without the consent of the cautioner, register any dealing with the land or charge until he has served notice on the Cautioner, warning him that his Caution will cease to have any effect after expiration of the prescribed number of days next ensuing the date at which the notice is served.

(2) After the expiration of such time as aforesaid, the Caution shall cease unless an order to the contrary is made by the Master.

(3) Upon the Caution so ceasing, the land or charge shall be dealt with in the same manner as if no Caution had been lodged.

Registered  
dealings de-  
layed on bond  
being given.

Imp. 38 & 39  
V. c. 87, s. 55.

**60.** If before the expiration of the said period the cautioner, or some other person on his behalf, appears before the Master of Titles, and gives sufficient security to indemnify every party against any damage that may be sustained by reason of any dealing with the land or charge being delayed, the Master of Titles may thereupon, if he thinks fit so to do, delay registering any dealing with the land or charge for such further period as he thinks just.

Compensation  
for improper  
lodging of  
caution.

Imp. 38 & 39  
V. c. 87, s. 56.

**61.** (1) If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such Caution such compensation as may be just, and such compensation shall be recoverable as a debt by the person who has sustained damage from the person who lodged the Caution.

(2) Any person aggrieved by any act done by the Master of Titles in relation to Cautions under this Act, may appeal to the Court in the prescribed manner.

*Inhibition*

*Inhibition against Registered Dealings without Order of Court.*

**62.** (1) The Court, or (subject to an appeal to the Court) the Master of Titles, upon the application of any person interested, made in the prescribed manner, in relation to any registered land or charge, may, after directing such inquiries (if any) to be made and notices to be given, and hearing such persons as the Court or Master of Titles thinks expedient, issue an order or make an entry inhibiting for a time, or until the occurrence of an event to be named in such order or entry, or generally until further order or entry, any dealing with registered land or with a registered charge.

Power of court or master to inhibit registered dealings.  
Imp. 38 & 39  
V. c. 87, s. 57.

(2) The Court or the Master of Titles may make, or refuse to make, any such order or entry, and annex thereto any terms or conditions the Court or Master of Titles may think fit, and may discharge such order or cancel such entry when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires.

(3) Any person aggrieved by any act done by the Master of Titles in pursuance of this section may appeal to the Court in the prescribed manner.

*Power of Registered Owner to impose Restrictions.*

**63.** Where the registered owner of any land is desirous for his own sake, or at the request of some person beneficially interested in such land, to place restrictions on transferring or charging the land, such owner may apply to the Master of Titles to make an entry in the register that no transfer shall be made of or charge created on the land unless the following things, or such of them as the owner may determine, are done; (that is to say)—

Power to place restrictions on register.  
Imp. 38 & 39  
V. c. 87, s. 58.

Unless notice of any application for a transfer or for the creation of a charge is transmitted by registered letter to such address as he may specify to the Master of Titles;

Unless the consent of some person or persons, to be named by such owner, is given to the transfer or the creation of a charge;

Unless some such other matter or thing is done as may be required by the applicant and approved by the Master of Titles.

**64.** (1) The Master of Titles shall thereupon, if satisfied of the right of the applicant to give such directions, make a note of such directions on the register, and no transfer shall be made or charge created except in conformity with such directions.

Master to enter restrictions in register.  
Imp. 38 & 39  
V. c. 87, s. 59.

(2) But it shall not be the duty of the Master of Titles to enter any of the above directions, except upon such terms as to payment



payment of the fees and otherwise as may be prescribed, or to enter any restriction that the Master of Titles may deem unreasonable, or calculated to cause inconvenience.

(3) And any such directions may at any time be withdrawn or modified at the instance of all the persons for the time being appearing by the registry to be interested in such directions, and shall also be subject to be set aside by the Order of the Court.

## PART VI.

### PROVISIONS SUPPLEMENTAL TO FOREGOING PARTS OF ACT.

#### *Caution against entry of Land on Register.*

Caution against registration of land.

Imp. 38 & 39  
V. c. 87, s. 60.

**65.** Any person having or claiming such an interest in any land which is not already registered as entitles him to object to any disposition thereof being made without his consent, may lodge a Caution with the Master of Titles to the effect that the cautioner is entitled to notice in the prescribed form, and to be served in the prescribed manner, of any application that may be made for the registration of such land.

*Lis pendens* not to be registered.

South Australia, Act of 1878, s. 69;  
R. S. O., c. 40, s. 90.

**66.** The Master of Titles shall not register any *lis pendens* affecting lands under this Act; but any party to a suit, or his solicitor, or any person claiming to be interested in such suit, may enter a Caution.

Caution to be supported by affidavit.

Imp. 38 & 39  
V. c. 87, s. 61.

**67.** Every Caution shall be supported by an affidavit or declaration in the prescribed form, stating the nature of the interest of the cautioner, the land to be affected by the Caution, and such other matters as may be prescribed.

Cautioner entitled to notice of proposed registration of land.

Imp. 38 & 39  
V. c. 87, s. 62.

**68.** After a Caution has been lodged in respect of any land not already registered, and while the same is in force, registration shall not be made of such land until notice has been served on the cautioner to appear and oppose, if he thinks fit, such registration, and until the prescribed time has elapsed since the date of the service of such notice, or the cautioner has entered an appearance, which may first happen.

Compensation for improper lodging of caution.

Imp. 38 & 39  
V. c. 87, s. 63.

**69.** If any person lodges a Caution with the Master of Titles without reasonable cause, he shall be liable to make, to any person who may have sustained damage by the lodging of such Caution, such compensation as may be just; and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the Caution.

Saving as to effect of caution.

Imp. 38 & 39  
V. c. 87, s. 64.

**70.** A Caution lodged in pursuance of this Act shall not prejudice the claim or title of any person, and shall have no effect whatever except as in this Act mentioned.

*Sale*

*Sale by Trustees and Mortgagees.*

**71.** (1) Any person holding land on trust for sale, and any trustee, mortgagee, or other person having a power of selling land, may authorize the purchaser to make an application to be registered as first owner with any title which an owner is authorized to be registered with under this Act, and may consent to the performance of the contract being conditional on his being so registered; or may himself apply to be registered as such owner with the consent of the persons (if any) whose consent is required to the exercise by the applicant of his trust or power of sale.

Trustees may sell by medium of registry.

Imp. 38 & 39  
V. c. 87, s. 68.

(2) The amount of all costs, charges, and expenses properly incurred by such person, in or about the application, shall be ascertained and declared by the Master of Titles, and shall be deemed to be costs, charges, and expenses properly incurred by such person in the execution of his trust or in pursuance of his power; and such person may retain or reimburse the same to himself out of any money coming to him under the trust or power, and he shall not be liable to any account in equity in respect thereof.

*Registration of Part Owners.*

**72.** Any two or more persons entitled for their own benefit concurrently or successively, or partly in one mode and partly in another, to such estates, rights, or interests in land as together make up such an estate as would, if vested in one person, entitle him to be registered as owner of the land, may (subject as in this Act mentioned with respect to the number of persons to be registered in respect of the same land) apply to the Master of Titles to be registered as joint owners, in the same manner and with the same incidents, so far as circumstances admit, in and with which it is in this Act declared that any individual owner may be registered.

Registration of part owners.  
Imp. 38 & 39  
V. c. 87, s. 69.

*Production of Deeds.*

**73.** (1) When an application has been made to the Master of Titles for the registration of any land, if any person has in his possession or custody any deeds, instruments or evidences of title relating to or affecting such land, to the production of which the applicant or any trustee for him, is entitled, the Master of Titles may require such person to shew cause, within a time limited, why he should not produce such deeds, instruments or evidences of title to the Master of Titles or otherwise, as the Master of Titles may deem fit; and, unless cause is shewn to the satisfaction of the Master of Titles within the time limited,

Production of deeds.  
Imp. 38 & 39  
V. c. 87, s. 71.

limited, such deeds, instruments and evidences of title may be ordered by the Master of Titles to be produced at the expense of the applicant, at such time and place, and in such manner, and on such terms as the Master of Titles thinks fit.

(2) Any person aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the Master of Titles with or without modification.

(3) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such disobedience to the Court ; and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the Court in the same manner in all respects as if the order made by the Master of Titles were the order of the Court.

Deeds to be marked with notice of registration under this Act.

Imp. 38 & 39  
V. c. 87, s. 72.

74. A person shall not be registered as owner of land until, if required by the Master of Titles, he has produced to him such documents of title as will in the opinion of the Master of Titles when stamped or otherwise marked, give notice to any purchaser or other person dealing with such land of the fact of the registration, and the Master of Titles shall stamp or otherwise mark the same accordingly, or until he has otherwise satisfied the Master of Titles that the fact of such registration cannot be concealed from a purchaser or other person dealing with the land.

#### Costs.

Payment of costs.

R. S. O. c. 110,  
s. 21 ; Imp. 38  
& 39 V. c. 87,  
s. 72.

75. (1) The Master of Titles may order costs, either as between party and party, or as between solicitor and client, to be paid by or to any person party to any proceeding under this Act, and may give directions as to the fund out of which any costs shall be paid, regard being had to the following provisions ; namely :

That any applicant under this Act is liable *prima facie* to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties object whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly, and subject to this proviso, that any party aggrieved by any order of the Master of Titles under this section may appeal in the prescribed manner to the Court, which may annul or confirm the order of the Master with or without modification.

(2) If any person disobeys any order of the Master of Titles made in pursuance of this section, the Master may certify such disobedience to the Court, and thereupon such person, subject to such right of appeal as aforesaid, may be punished by the Court,



Court, and execution issued to enforce the order, in the same manner in all respects as if the order made by the Master were the order of the Court.

*Doubtful Questions arising on Title.*

**76.** Whenever upon the examination of the title of any land the Master of Titles entertains a doubt as to any matter of law or fact arising upon the title, he may, upon the application of any person interested in such land, refer a case for the opinion of the High Court, with power for the Court to direct an issue to be tried before a jury or otherwise, for the purpose of determining any fact. The Master may also name the parties to such case, and the manner in which the proceedings in relation thereto are to be brought before the Court.

Master may state case for High Court.  
Imp. 38 & 39  
V. c. 87, s. 74.

**77.** The opinion of any Court to whom any case is referred by the Master of Titles shall be conclusive on all the parties to such case, unless the Court before whom the case is heard permits an appeal to be had.

Opinion of court, how far conclusive.  
Imp. 38 & 39  
V. c. 87, s. 75.

**78.** Where any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or persons yet unborn are interested in the land in respect of the title to which a question arises as aforesaid, any person interested in the land may apply to the Court, for a direction that the opinion of the Court to whom the case is referred under this Act shall be conclusively binding on such infants, idiots, lunatics, persons of unsound mind, persons beyond the seas, or unborn persons.

Intervention of Court in case of incapacitated persons.  
Imp. 38 & 39  
V. c. 87, s. 76.

**79.** The Court shall hear the allegations of all parties appearing before it. It may disapprove altogether, or may approve, either with or without modification, of the directions of the Master of Titles in respect to any case referred as to the title of land. The Court may also, if necessary, appoint a guardian or other person to appear on behalf of any infants, idiots, lunatics, persons of unsound mind, persons absent beyond seas, or unborn persons; and if the Court is satisfied that the interests of the persons labouring under disability, absent, or unborn, will be sufficiently represented in any case, it shall make an order declaring that all persons, with the exceptions (if any) named in the order, are to be conclusively bound; and thereupon all persons, with such exceptions (if any) as aforesaid, shall be conclusively bound by any decision of the Court having cognizance of the case in which such persons are concerned.

Power of Court to bind interests of incapacitated persons.  
Imp. 38 & 39  
V. c. 87, s. 77.

*As to Land Certificates, Office Copies of Leases, and Certificates of Charge.*

**80.** If any Land Certificate, or office copy of a Registered Lease, or Certificate of Charge is lost, mislaid, or destroyed, the

Loss of land certificate, or certificate of charge, or  
Master

office copy of  
lease.

Imp. 38 & 39  
V. c. 87, s. 78.

Master of Titles may, upon being satisfied of the fact of such loss, mislaying, or destruction, grant a new Land Certificate, or office copy, or Certificate of Charge, in the place of the former one.

Renewal of  
land certi-  
cate, or certi-  
cate of charge,  
or office copy  
of lease.

Imp. 38 & 39  
V. c. 87, s. 79.

**81.** The Master of Titles may, upon the delivery up to him of a Land Certificate or of an office copy of a Registered Lease or of a Certificate of Charge, grant a new Land Certificate or office copy of a Lease or Certificate of Charge in the place of the one delivered up.

Land certi-  
cate, certi-  
cate of charge,  
and office copy  
of lease to be  
evidence.

Imp. 38 & 39  
V. c. 87, s. 80.

**82.** A Land Certificate or Certificate of Charge shall be *prima facie* evidence of the several matters therein contained, and the office copy of a Registered Lease shall be evidence of the contents of the Registered Lease.

Effect of  
deposit of land  
certificate, or  
of office copy  
of lease.

Imp. 38 & 39  
V. c. 87, s. 81.

**83.** Subject to any registered estates, charges, or rights, the deposit of the Land Certificate in the case of freehold land, and of the office copy of the Registered Lease in the case of leasehold land, shall, for the purpose of creating a lien on the land to which such Certificate or Lease relates, be deemed equivalent to a deposit of the title deeds of the land.

#### *Special Hereditaments.*

Registry of  
special here-  
ditaments.

Imp. 38 & 39  
V. c. 87, s. 82.

**84.** The Master of Titles may register the owner of any incorporeal hereditament of freehold tenure, enjoyed in gross, also the owner of any mines or minerals where the ownership of the same has been severed from the ownership of the land, in the same manner and with the same incidents in and with which he is by this Act empowered to register land, or as near thereto as circumstances admit.

#### *General Provisions.*

Enactments as  
to registration.

Imp. 38 & 39  
V. c. 87, s. 83.

**85.** The following enactments shall be made with respect to registration of title:—

(1) There shall not be entered on the register or be receivable by the Master of Titles, any notice of any trust, implied, express, or constructive;

(2) No person shall be registered as owner of any undivided share in any land or charge; and a number of persons exceeding the prescribed number shall not be registered as owners of the same land or charge; and if the number of persons shewing title exceeds the prescribed number, such of them not exceeding the prescribed number as may be agreed upon, or as the Master of Titles in case of difference decides, shall be registered as owners;

(3) Upon the occasion of the registry of two or more persons as owners of the same land or of the same charge, an entry may,

may, with their consent, be made on the register, to the effect that when the number of such owners is reduced below a certain specified number, no registered disposition of such land or charge shall be made, except under the order of the Court ;

(4) In such a case the words "no survivorship" in the entry shall be construed to mean that in case any one of the owners should die, no registered disposition of the land or charge shall be made except under order of the Court ;

(5) Registered land shall be described in such manner as the Master of Titles thinks best calculated to secure accuracy, but such description shall not be conclusive as to the boundaries or extent of the registered land ;

(6) No alteration shall be made in the registered description of land, except under the order of the Court, or under section 96 of this Act, or by way of explanation ; but this provision shall not be construed to extend to registered dealings with registered land in separate parcels by the registered description, although such land was originally registered as one estate.

**86.** Where any land is about to be registered, or any registered land is about to be transferred to a purchaser for valuable consideration, there may be registered as annexed thereto, subject to general rules and in the prescribed manner, a condition that such land or any specified portion thereof is not to be built on, or is to be or not to be used in a particular manner, or any other condition running with or capable of being legally annexed to land ;

Annexation of conditions to registered land. *Imp. 38 & 39 V. c. 87, s. 84.*

The first owner and every transferee, and every other person deriving title from him, shall be deemed to be affected with notice of such condition ;

Nevertheless, any such condition may be modified or discharged by order of the Court, on proof to the satisfaction of the Court that the modification will be beneficial to the persons principally interested in the enforcement of the condition.

**87.** All the provisions of the *Revised Act respecting Trustees and Executors and the Administration of Estates*, and of any Act amending the same, which are not inconsistent with the provisions of this Act shall apply to land and charges registered under this Act, but this enactment shall not prejudice the applicability to such land and charges of any provisions of such Acts relating to land or choses in action.

Registered land to be within the Trustee Act. *Imp. 38 & 39 V. c. 87, s. 85.*

**88.** The Master of Titles shall not, nor shall any person acting under his authority, or under any order or general rule made in pursuance of this Act, be liable to any action, suit, or proceeding for or in respect of any act or matter *bona fide* done or omitted to be done in the exercise or supposed exercise of the powers of this Act, or of any order or general rule made in pursuance of this Act.

Indemnity of Master of Titles. *Imp. 38 & 39 V. c. 87, s. 86.*



*As to Infants and Lunatics.*

Where any party is a minor, lunatic, etc.

R. S. O., c. 110, s. 39;  
Imp. 38 & 39  
V. c. 87, s. 88.

**89.** (1) In case any person who, if not under disability might have made any application, given any consent, or done any act, or been party to any proceeding under this Act, is a minor, an idiot, or a lunatic, the guardian of the minor, or committee of the estate of the idiot or lunatic, may make such application, give such consent, do such act, and be party to such proceeding as such person might, if free from disability, have made, given, done or been party to, and shall otherwise represent such person for the purposes of this Act.

(2) If the minor has no guardian, or the idiot or lunatic no committee of his estate, or if persons yet unborn are interested, the official guardian *ad litem* shall act with like power or the Master of Titles may appoint a person with like power to act for such minor, idiot, lunatic, or person yet unborn.

(3) A married woman shall for the purposes of this Act, be deemed a *feme sole*.

*As to Notices.*

Address of persons on register.

Imp.

V. c. 87, s. 89.

**90.** Every person whose name is entered on the register as owner of land or of a charge, or as cautioner, or as entitled to receive any notice, or in any other character, shall furnish to the Master of Titles a place of address in this Province, and may from time to time substitute some other address in the Province for that originally furnished.

Service of notices.

Imp. 38 &

V. c. 87, s. 90.

**91.** Every notice by this Act required to be given to any person shall be served personally, or sent through the post in a registered letter marked outside "Office of Land Titles," and directed to such person at the address (or last address, as the case may be) furnished to the Master of Titles, and unless returned, shall be deemed to have been received by the person addressed within such period, not less than seven days exclusive of the day of posting, as may be prescribed.

Return of notices by post-office.

Imp. 38 & 39

V. c. 87, s. 91.

**92.** The envelope containing any notice under this Act shall have printed thereon a request to the Postmaster or Postmaster-General for the immediate return thereof to the Master of Titles, Toronto, in case the person to whom the notice is addressed cannot be found; and on the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given in manner prescribed.

Purchasers not affected by omission to send notices.

Imp. 38 & 39

V. c. 87, s. 92.

**93.** A purchaser for valuable consideration shall not be affected by the omission to send any notice by this Act directed to be given, or by the non-receipt thereof.

*Specific Performance.*

Power of court in suit for specific performance.

**94.** Where a suit is instituted for the specific performance of a contract relating to registered land, or a registered charge, the

the Court having cognizance of the suit may by summons, or by such other mode as it deems expedient, cause all or any parties who have registered estates or rights in the land or charge, or have entered up notices, cautions or inhibitions against the same, to appear in the suit, and shew cause why the contract should not be specifically performed; and the Court may direct that any order made by the Court in the suit shall be binding on such parties or any of them.

**95.** All costs incurred by any parties so appearing in a suit to enforce against a vendor specific performance of his contract to sell registered land or a registered charge, shall be taxed as between solicitor and client, and, unless the Court otherwise orders, be paid by the vendor.

Costs in suit for specific performance.  
Imp. 38 & 39  
V. c. 87, s. 94.

### *Rectification of the Register.*

**96.** Subject to any estates or rights acquired by registration in pursuance of this Act, where any court of competent jurisdiction has decided that any person is entitled to any estate, right, or interest in or to any registered land or charge, and as a consequence of such decision the Court is of opinion that a rectification of the register is required, the Court may make an order directing the register to be rectified in such manner as it thinks just.

Establishment of adverse title to land.  
Imp. 38 & 39  
V. c. 87, s. 95.

**97.** Subject to any estates or rights acquired by registration in pursuance of this Act, if any person is aggrieved by any entry made, or by the omission of any entry from the register under this Act, or if default is made or unnecessary delay takes place in making any entry in the register, any person aggrieved by such entry, omission, default, or delay, may apply to the Court in the prescribed manner for an order that the register may be rectified; and the Court may either refuse the application with or without costs, to be paid by the applicant, or may if satisfied of the justice of the case, make an order for the rectification of the register.

Register to be rectified under order of court.  
Imp. 38 & 39  
V. c. 87, s. 96.

**98.** The Master of Titles shall obey the order of any competent Court in relation to any registered land, on being served with the order or an official copy thereof.

Master to obey orders of court.  
Imp. 38 & 39  
V. c. 87, s. 97.

### *As to Fraud.*

**99.** Subject to the provisions in this Act contained with respect to registered dispositions for valuable consideration, any disposition of land or of a charge on land which if unregistered would be fraudulent and void, shall, notwithstanding registration, be fraudulent and void in like manner.

Fraudulent dispositions.  
Imp. 38 & 39  
V. c. 87, s. 98.

**100.** If in the course of any proceeding under this Act, any person acting either as principal or agent, shall, knowingly and with

Suppression of deeds and evidence.

R. S. O., c.  
110, s. 47;  
Imp. 38 & 39  
V. c. 87, s. 99.

with intent to deceive, make or assist, or join in or be privy to the making of any material false statement or representation, or suppress, conceal, or assist or join in or be privy to the suppression, withholding or concealing any material document, fact or matter of information, every person so acting shall be deemed to be guilty of an offence under this Act, and on conviction shall be liable to be imprisoned for a term not exceeding two years, with or without hard labour, or to be fined such sum as the Court by which he is convicted shall award. Any certificate of title obtained by means of such fraud or falsehood, shall be null and void for or against all persons other than a purchaser for valuable consideration without notice.

Certain  
fraudulent  
acts declared  
to be offences.  
Imp. 38 & 39  
V. c. 87, s. 100.

**101.** If any person fraudulently procures, attempts to fraudulently procure, or is privy to the fraudulent procurement of any entry on the register, or of any erasure from the register or alteration of the register, such person shall be guilty of an offence under this Act, and upon conviction be liable to imprisonment for any term not exceeding two years, with or without hard labour, or to be fined such sum not exceeding five hundred dollars as the Court before which he is tried may award; and any entry, erasure, or alteration so made by fraud, shall be void as between all parties or privies to the fraud.

False declara-  
tions.  
Imp. 38 & 39  
V. c. 87, s. 101.

**102.** If any person in any affidavit or affirmation required or authorized to be made for any purpose under this Act, or by any order or general rules made in pursuance thereof, wilfully makes a false statement in any material particular, he shall be guilty of an offence under this Act, and upon conviction shall be liable to be imprisoned with or without hard labour, for a term not exceeding two years, or to be fined such sum not exceeding five hundred dollars, as the court before which he is tried may award.

Saving of civil  
remedy.  
Imp. 38 & 39  
V. c. 87, s. 102.

**103.** No proceeding or conviction for any offence under this Act shall affect any remedy which any person aggrieved may be entitled to.

Saving of  
obligation to  
make dis-  
covery.  
Imp. 38 & 39  
V. c. 87, s. 103.

**104.** Nothing in this Act contained shall entitle any person to refuse to answer any question or interrogatory in any civil proceeding; but no answer to any such question, or interrogatory shall be admissible in evidence against such person in any criminal proceeding in respect of which this Province has legislative authority.

#### ASSURANCE FUND.

Assurance  
fund.

**105.** (1) An Assurance Fund shall be formed for the indemnity of any persons who may happen to be deprived of land or some estate or interest therein by reason of the land being brought



brought under the provisions of this Act, or by the registration of some other person as owner of the land or of such estate or interest therein, or by reason of any misdescription, omission or other error in a Certificate of Title or in any entry in the Register.

(2) In order to constitute such fund, there shall be paid on the first Certificate of Title granted under this Act in respect of any land, in addition to all other fees, a sum equal to one-fourth of one per cent. of the value of the land.

(3) (Subject to any orders of Court to be made under the authority of this Act), money payable under the preceding subsection shall be paid into Court, with the privity of the Accountant of the Supreme Court, and shall be placed to the credit of an account to be intituled "Assurance Fund under the Land Titles Act, 1885," and shall be invested from time to time under the direction of the Court, and the interest or income derived therefrom shall be credited to the same account.

(4) (Subject to any orders of Court aforesaid) the value of the land shall be ascertained for the purpose aforesaid by the oath or affirmation of the applicant, unless the Master of Titles dispenses therewith.

(5) (Subject as aforesaid) in case the oath or affirmation of the applicant is dispensed with, or in case the Master of Titles is not satisfied as to the correctness of the value stated by the oath or affirmation of the applicant or any other person, he may require the affidavit or certificate in that behalf of a sworn valuator: and such affidavit or certificate shall be conclusive.

**106.** (1) Any person wrongfully deprived of land, or of some estate or interest therein, by reason of the land being brought under this Act, or by reason of some other person being registered as owner, or by reason of any misdescription or other error in any Certificate of Title, or in any entry in the Register, shall be entitled to recover what is just, by way of compensation or damages, from the person on whose application the erroneous registration was made, or who acquired the title through the fraud or error.

Remedy of person wrongfully deprived of land.

(2) But this is not to be construed to render liable any purchaser or mortgagee *bona fide* for valuable consideration by reason of the vendor or mortgagor having been registered as owner through fraud or error, or having derived from or through a person registered as owner through fraud or error, whether the fraud or error consists in a wrong description of the property or otherwise howsoever.

(3) In case the person so wrongfully deprived is unable by such means or otherwise to recover just compensation for his loss, he shall be entitled to have the same paid out of the Assurance Fund, so far as the Fund may be sufficient for that purpose having reference to other charges thereon, provided that

that the application is made within six years from the time of having been so deprived; or, in the case of a person under the disability of infancy, lunacy or unsound mind, within six years from the date at which the disability ceased.

(4) The liability of the Fund for compensation and the amount of compensation shall (subject to appeal as in other cases) be determined by the Master of Titles, unless the Court or Master of Titles on application directs some other way of ascertaining and determining the same. The costs of the proceedings shall be in the discretion of the Master of Titles or the Court, as the case may be.

(5) Where any sum has been paid out of the Assurance Fund on account of a person on whose application the erroneous registration was made, or who acquired the title through the fraud or error, the same may afterwards for the benefit of the Fund be recovered from such person or his estate, by action in the name of the Master of Titles; and the Master's certificate of the payment out of the Assurance Fund shall be sufficient proof of the debt.

#### ADMINISTRATION OF LAW AND MISCELLANEOUS.

##### (1) *Office of Land Registry.*

Seal of office.  
Imp. 38 & 39  
V. c. 87, s. 107.

**107.** There shall be a seal for the Office of Land Titles.

Master to  
frame and pro-  
mulgate  
forms.

Imp. 38 & 39  
V. c. 87, s. 108.

**108.** Subject to the provisions of this Act, the Master of Titles shall conduct the whole business of registering land under this Act; and he shall frame and cause to be printed and circulated, or otherwise promulgated, such forms and directions as he may deem requisite or expedient for facilitating proceedings under this Act.

Power of  
Master to  
summon wit-  
nesses.

Imp. 38 & 39  
V. c. 87, s. 109.

**109.** (1) The Master of Titles, or any officer of the Office of Land Titles authorized by him in writing, or any person authorized for a like purpose under the *Registry Act*, may administer an oath or affirmation for any of the purposes of this Act.

(2) The Master of Titles may, by summons under the seal of the office, require the attendance of all such persons as he may think fit in relation to the registration of any title.

(3) He may also, by a like summons, require any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament to produce such map, survey, or book for his inspection.

(4) He may examine upon oath any person appearing before him and administer an oath accordingly; and he may allow to every person summoned by him the reasonable charges of his attendance.

(5)

(5) Any charges allowed by the Master of Titles in pursuance of this section shall be deemed to be charges incurred in or about proceedings for registration of land, and may be dealt with accordingly.

**110.** (1) If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of the summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under this Act, or to answer upon oath or otherwise such questions as may be lawfully put to him by the Master of Titles under the powers of this Act, he shall incur a penalty not exceeding fifty dollars, to be recovered on summary conviction.

Non-attendance or refusal to answer questions.  
Imp. 38 & 39  
V. c. 87, s. 110.

(2) But no person shall be required to attend in obedience to any summons, or to produce such documents as aforesaid, unless the reasonable charges of his attendance and of the production of such documents be paid or tendered to him.

**111.** In case of illness or absence of the Master of Titles the Lieutenant-Governor may appoint a person to act as the Deputy of the Master during such illness or absence, and such Deputy, while so acting, shall have all the powers of the Master.

Appointment of deputies in case of illness or absence.  
Stats. of Victoria, 1866, s. 6.

**112.** The Master of Titles, before he enters upon the execution of his office, shall take, before some Judge, of the Supreme Court of this Province the oath of office in the form following :—

I, *A. B.*, do solemnly swear (*or affirm*) that I will faithfully, and to the best of my ability, perform the office and duties of Master of Titles.

Oath of office.

**113.** Before any Master of Titles is sworn into office, he, and two or more sufficient sureties, shall enter into a joint and several bond in writing under their hands and seals to Her Majesty, in a penal sum to be determined by the Lieutenant-Governor in Council, which bond shall be subject in all respects to the approval of the Lieutenant-Governor in Council, and the same may be taken before any two Justices of the Peace or any Judge of the high Court, and shall be conditioned for the true and faithful performance by the Master of his duty in respect to all things directed to be done by or required of him by this Act or any law in that behalf.

Bond of Master.

**114.** The sureties in such bond shall justify under oath, and the execution by the Master of Titles and his sureties shall be verified under oath by a subscribing witness; and such bond and the affidavits of justification shall be in the form in the schedule to this Act, or to the like effect, and with the affidavits appended, shall be forthwith transmitted to the Provincial Secretary, to be filed in his office.

Sureties to justify.  
Custody of bonds.



New bonds  
when re-  
quired.

**115.** The Master of Titles shall, when required by the Provincial Secretary, execute a new bond in the form and to the effect provided in the next preceding section, or furnish such other security as may be deemed expedient.

Master, etc.,  
not to act as  
agent, etc.  
R. S. O. c.  
111, s. 19;  
McCarthy,  
(Bills of 1883  
and 1884), s. 24.

**116.** No Master of Titles, officer, or clerk appointed under this Act, shall, directly or indirectly, act as the agent of any corporation, society, company, person or persons investing money and taking securities on real estate; nor shall such Master of Titles, officer or clerk advise for any fee or reward, or otherwise, upon titles to land, or practise as a conveyancer; nor shall he carry on or transact within the office any business or occupation whatever other than his duties as such Master of Titles, officer or clerk, or as holder of some other office under the Provincial Government.

### *Inspection of Registry.*

Indexes to be  
kept.

R. S. O. c.  
111, ss. 33, 35.

**117.** (1) General indexes are to be kept in the office of the Master of Titles as required of Registrars under the *Registry Act*, and are to be open to inspection in the same manner.

(2) The books required to be kept under this Act shall be provided in the same manner as books required under the *Registry Act* are provided.

Right to  
inspect  
documents.  
Imp. 38 & 39  
V. c. 87, s. 104.

**118.** Subject to such regulations and exceptions and to the payment of such sums as may be fixed by general rules, any person registered as owner of any land or charge, and any person authorized by any such owner, or by an order of the Court, or by general rule, may inspect and make copies of and extracts from any document in the custody of the Master of Titles relating to such land or charge. No other person save as aforesaid shall be entitled to do so.

### *(2) Rules.*

Rules and  
regulations.  
44 V. c. 5, s.  
53, *Judicature*  
*Act*.

**119.** The rules and regulations in the Schedule to this Act shall come into operation at the commencement of this Act, and shall regulate the proceedings as to all matters to which such rules and regulations may extend. But such rules and regulations may be annulled or altered by any authority by which new rules and regulations may be made under this Act.

Power to make  
general rules.  
Imp. 38 & 39  
V. c. 87, s. 111.

**120.** Subject to the provisions of this Act, the Lieutenant-Governor in Council, and the Judges of the Supreme Court under the 54th and 55th sections of *The Ontario Judicature Act, 1881*, (which are to be read as applying to this Act,) may, respectively, with the advice and assistance of the Master of Titles, from time to time make, and after making may rescind, annul, or add to, general rules in respect of all or any of the following matters; that is to say—

(1) The mode in which the register is to be made and kept;  
(2)

(2) The forms to be observed, the precautions to be taken, the instruments to be used, the notices to be given, and the evidence to be adduced in all the proceedings before the Master of Titles or in connection with the registration, and in particular with respect to the reference to counsel of any title to land proposed to be registered with an absolute title;

(3) The custody of any instruments from time to time coming into the hands of the Master of Titles, with power to direct the destruction of any such instruments where they have become altogether superseded by entries in the register or have ceased to have any effect;

(4) The duties which are to be performed by the Master of Titles and other officers employed; and therein, what acts of the Master of Titles may be done by other officers;

(5) The costs to be charged by solicitors in or incidental to or consequential on the registration of land, or any other matter required to be done for the purpose of carrying this Act into execution, with power to require such costs to be payable by commission, percentage, or otherwise, and to bear a certain proportion to the value of the land registered, or to be determined on such other principle as may be thought expedient;

(6) The taxation of such costs and the persons by whom such costs are to be paid;

(7) Any matter by this Act directed or authorized to be prescribed;

(8) Any other matter or thing, whether similar or not to those above mentioned, in respect of which it may be expedient to make rules for the purpose of carrying this Act into execution.

**121.** Any rules made in pursuance of the preceding section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed. Effect of rules. Imp. 38 & 39 V. c. 87, s. 111.

**122.** The Judges aforesaid may from time to time make, and after making revoke, alter or add to rules with respect to the amount of fees payable under this Act, regard being had to the following matters: Rules respecting fees. Imp. 38 & 39 V. c. 87, s. 112.

(1) In the case of the registration of land or of any transfer of land on the occasion of sale,—to the value of the land, as determined by the amount of purchase money;

(2) In the case of the registration of land, or of any transfer of land on the occasion of a sale,—to the value of the land, to be ascertained in such manner as may be prescribed;

(3) In the case of registration of a charge or of any transfer of a charge,—to the amount of such charge.

Fees.

**123.** (1) Subject to orders of Court, the fees payable in respect of such business in the office of the Master of Titles as is analogous to the business under the *Registry Act*, shall be the same as the fees payable to the Registrar under the said Act ; and all other fees and costs, whether in respect of business done by the Master of Titles or by other officers, or by solicitors under this Act, shall be the same as nearly as may be as are payable in case of like proceedings in the High Court.

(2) Until the Legislature provides a salary for the Master of Titles, he may be authorized by the Lieutenant-Governor in Council to take to his own use, or for the purpose of paying expenses, the fees which would otherwise under the preceding section be payable to the Crown in stamps.

Assignment of duties to particular judges.

Imp. 38 & 39  
V. c. 87, s. 115.

**124.** The judges of the High Court may from time to time assign the duties vested in the Court in relation to matters under this Act to any particular judge or judges of that Court.

Appeal from High Court.

Imp. 38 & 39  
V. c. 87, s. 117.

**125.** Any person aggrieved by an order made under this Act by the High Court may appeal within the prescribed time, in the same manner and with the same incidents in and with which orders made by the High Court on cases within the ordinary jurisdiction of such Court may be appealed from.

Appeals from Master.

R.S.O. c. 110,  
s. 42.

**126.** An appeal shall lie from any order or decision of the Master of Titles under this Act to the High Court, and from that Court to the Court of Appeal, as in cases within the ordinary jurisdiction of the Court.

Proceedings not void for want of form.

R.S.O. c. 110,  
s. 45.

**127.** No application, order, affidavit, certificate, registration or other proceeding shall be invalid by reason of any mistake not affecting the substantial justice of the proceeding.

## SCHEDULE OF RULES.

### PROCEEDINGS FOR A FIRST REGISTRATION.

#### *Application for Registration.*

Rule 1, 12,  
and Form 6  
made under  
Imp. Act. 38  
& 39 V. c. 87.

**1.** The application for a first registration of land under this Act, shall state the nature of the interest of the applicant, and a general description, in concise terms, of the land ; it shall also state whether the registration applied for is with an Absolute, a Qualified, or a Possessory title.

(2) Where the application is for the registration of a nominee, or is made by a purchaser, the consent in writing of the nominee or his solicitor, or the vendor or his solicitor, shall be left with the application.

(3) Where the application is made by virtue of a trust or power of sale, the consent in writing of the persons, if any, whose consent is required to the exercise of the trust or power shall be also left with the application.

*Possessory*



*Possessory Title.*

2. If the application is for registration with a Possessory title only, there shall be left in the office with the application an affidavit made by the applicant (or by one of the applicants, if more than one, or by some person whose consent is required to the application) and his solicitor, to the best of their respective knowledge, information and belief, verifying the description, and to the effect that the applicant, either alone or with the person (if any) consenting to such application and either subject or not to incumbrances, is well entitled for his or their own benefit, or as holding the land on trust for sale, or as a trustee, mortgagee, or otherwise having a power of selling the land (as the case may be), to an estate in fee simple, or the power of disposing, by way of sale, of an estate in fee simple in the land, that the actual possession or receipt of the rents and profits thereof is in accordance with the applicant's title, and that the applicant (or his nominee) is entitled under the Act to be registered as the owner of the land, and that the documents of title (if any) mentioned in the schedule to the affidavit comprise amongst others (if the fact be so) the last conveyance or other document under which the applicant's title is derived.

(2) Such notice (if any) of the application for registration, or of the registration, shall be given as the Master of Titles may direct.

(3) Where the Master of Titles is satisfied that it will be proper to grant the application, the registration may be made accordingly.

*Proofs.*

3. If the application is for a first registration with absolute or qualified title the application shall be supported by the following particulars, unless any thereof shall be dispensed with by the Master of Titles :

(1) The title deeds (if any) and evidences of title relating to the land which are in the possession or power of the applicant.

(2) A certified copy of the memorials of all other registered instruments affecting the land, or of all since the last judicial certificate, if any, under the *Quieting Titles Act*, was given (as the case may be).

(3) The certificate of the Registrar of the County or other Registration Division in which the land lies, as to suits and proceedings relating to the land.

(4) Proofs of any facts which are required to be proved in order to make out the title, and which are not established by the other produced documents, unless the Master of Titles shall dispense with such proofs until a future stage of the investigation.

(5) An affidavit, or deposition by the person whose title is to be investigated, and a certificate of one of his counsel or solicitors, to the effect hereinafter respectively mentioned, unless the Master of Titles sees fit, for some special reason, to dispense with the same respectively.

(6) A Schedule of the particulars produced under the preceding five sub-sections.

*Affidavit of Applicant.*

4. The affidavit or deposition of the person whose title is to be investigated shall state to the effect, that to the best of his knowledge and belief he is the owner of the estate or interest (whatever it is) which is claimed in the application, subject only to the charges and incumbrances set forth in the application or in the Schedule thereto, or that there is no charge or incumbrance affecting the land ; that the deeds, wills, and instruments of title which he produces, and of which a list is contained in the Schedule produced under the preceding rule, are all the title deeds and instruments of title relating to the lands which are in his possession or power ; and that he is not aware of the existence of any claim adverse to or inconsistent with his own to any part of the land or to any interest therein ; or, if he is aware of such adverse claim, he shall set forth every such adverse claim, and shall depose that he is not aware of any except what he sets forth.

R.S.O. c. 110,  
s. 8 ; Imp. Act  
38 & 39 V. c. 2  
87, s. 70.  
Forms 3 and 4,  
made under  
Imp. Act.

(2) The affidavit or deposition shall also set forth whether any one is in possession of the land, and under what claim, right or title; and shall state that to the best of the deponent's knowledge, information and belief, the said affidavit or deposition, and the other papers produced therewith, fully and fairly disclose all facts material to the title claimed by the applicant, and all contracts and dealings which affect the same or any part thereof, or give any right as against the applicant.

(3) The said affidavit or deposition may, in a proper case, be dispensed with, or may be made by some other person instead of the person whose title is to be investigated, or an affidavit or deposition as to part may be made by the one, and as to part by another, at the discretion of the Master of Titles; and in such case, the affidavit shall be modified accordingly.

*Certificate of Counsel or Solicitor.*

R.S.O. c. 110,  
s. 9; Imp. Act  
38 & 39 V.  
c. 87, s. 70.  
Forms 3 and 4  
made under  
Imp. Act.

5. The certificate of the counsel or solicitor shall state to the effect that he has investigated the title and believes the party to be the owner of the estate which the application claims in the land in question, subject only (if such be the case) to any charges or incumbrances that may be set forth in the Schedule to the application (or that he so believes, subject to any condition, qualification or exemption, to be set forth in the certificate); and that he has conferred with the deponent on the subject of the various matters set forth in the affidavit or deposition (if any) referred to in the two next preceding rules, and believes the affidavit or deposition to be true.

*Mode of Proof.*

R.S.O. c. 110,  
s. 11.

6. The proofs required may be by, or in the form of affidavits or certificates; or may be given *viva voce*; or may be in any other manner or form that, under the circumstances of the case, is satisfactory to the Master of Titles in regard to the matters to which the same relate.

*Payment of Taxes and Assessments.*

R.S.O. c. 110  
s. 12.

7. Before the completion of a first registration of any land under this Act where an examination of title is required, satisfactory evidence shall be given by certificate, affidavit or otherwise, that all taxes, rates and assessments, for which the land is liable, and which are past due, have been paid, or all except those for the current year have been paid.

*Production of Further Evidence.*

R.S.O. c. 110,  
s. 13.

8. If the Master of Titles is not satisfied with the evidence of title produced in the first instance, he shall give a reasonable opportunity of producing further evidence, or of removing defects in the evidence produced.

*Publication of Notice.*

Victoria s. 18;  
Queensland,  
Act of 1861, s.  
18; New  
South Wales,  
Act of 1862, s.  
15; New Zea-  
land, s. 23;  
Rules 10 and  
14 made under  
Imp. Act 38 &  
39 V. c. 87;  
R.S.O. c. 110,  
ss. 14, 15.

9. Before the completion of a first registration as aforesaid, the Master of Titles shall, except as hereafter provided, direct notice of the application to be published in the *Ontario Gazette*, and, if he sees fit, in any other newspaper or newspapers, and in such form and for such period as he thinks expedient.

(2) The registration shall not be completed until after the expiration of at least four weeks from the first publication of such notice, or such other period as the Master of Titles may appoint.

(3) If the Master of Titles is satisfied respecting the title, and considers that the registration can safely be completed without any other notice of application than the published notice so required, he shall complete the same accordingly.

(4) Notice of any number of applications may be included in one advertisement

tisement if the Master of Titles thinks fit, and in such case the expense of the advertisement shall be borne by the several applicants in such proportions as the Master of Titles may direct.

(5) The Master of Titles may dispense with the advertisement where the applicant is the original grantee from the Crown, or produces all the title deeds by which the title is traced from such grantee, or where he has obtained a Certificate of Title under the *Act for Quieting Titles to real estate*: Provided in every of such cases that he is in actual occupation of the land, or that the land is wild, and he is in constructive possession thereof by having paid the taxes thereon, and that no instrument or caution affecting the title has been registered.

#### *Notice to Adverse Claimant.*

10. In case there appears to exist any claim adverse to, or inconsistent with, that of the applicant to or in respect of any part of the land, the Master of Titles shall direct such notice as he deems necessary to be mailed to or served on the adverse claimant, his solicitor, attorney, or agent. R.S.O. c. 110, s. 16; Rule 10, made under Imp. Act 38 & 39 V. c. 87.

#### *Additional Notices.*

11. In all cases the Master of Titles may require from time to time any further publication to take place, or any other notice to be mailed or served that he deems necessary before granting the Certificate. R.S.O. c. 110, s. 17; Rule 12, made under Imp. Act 38 & 39 V. c. 87.

#### *Objections.*

12. Any person having an adverse claim, or a claim not recognised in the application, may at any time before the registration under this Act is completed, file and serve on the applicant, his solicitor or agent, a short statement of his claim, which may be according to the form set forth in the Schedule of Forms. R.S.O. c. 110, s. 18; Rule 11, made under Imp. Act 38 & 39 V. c. 87.

(2) This claim shall be verified by an affidavit to be filed therewith, and shall contain an address in this Province at which service on the objector shall be made.

#### *Hearing of Objection.*

13. The applicant or his solicitor shall obtain an appointment before the Master of Titles for hearing any objection which shall have been duly left in the office, and shall serve the objector with a notice in writing to come in and state his objection to the Master of Titles at the time mentioned in such notice, such time not being less than seven clear days after service of such notice. The parties may be heard in person, or by counsel or solicitor.

#### *Decision in Contested Cases.*

14. In case of a contest, the Master of Titles may either decide the question of title on the evidence before him, or may refer the same or any matter involved therein to the Court, or to any mode of investigation which is usual in other cases, or which he deems expedient, and may defer completing the registration until afterwards, according as the circumstances of each case render just or expedient. R.S.O. c. 110, s. 19.

#### *Security for Costs.*

15. The Master of Titles may, at any stage of the cause, order security for costs to be given by the applicant for registration, or by any person making any adverse claim. R.S.O. c. 110, s. 20.

#### *Abatement of Proceedings.*

16. In case of death or change of interest pending registration, the proceedings shall, subject to the provisions of this Act, be available to such R.S.O. c. 110, s. 44; Victoria s. 28;



Rule 5, made under Imp. Act 38 & 39 V. c. 87. such person as the Master of Titles on application, having regard to the rights of the several persons interested in the land, may direct, if such person thinks proper to adopt the same; and the Court or the Master of Titles may require notices to be given to persons becoming interested, or may make any order for discontinuing or suspending or carrying on the proceedings, or otherwise in relation thereto, as under the circumstances may be just.

*Caution Against Entry of Land on Register.*

Rule 15, made under Imp. Act 38 & 39 V. c. 87. 17. Every Caution lodged under section 65 of the Act shall be signed by the cautioner or his solicitor, and shall contain a place of address in this Province at which any notice may be served; and the affidavit in support of the Caution shall be left therewith and shall contain a description of the land. The period to be limited by the notice to be served on the cautioner under section 68 shall be 14 days, or such other period not less than 7 days, as the Master of Titles may direct.

(2) The notice shall be served either personally or through the post. Every Caution shall be renewed before the expiration of 5 years from the date of lodging the same; otherwise it shall be treated as withdrawn.

PROCEEDINGS AFTER FIRST REGISTRATION.

*Caution against Dealing with Registered Land.*

Rule 16, made under Imp. Act 38 & 39 V. c. 87. 18. Every Caution lodged under section 58 of the Act shall be signed by the cautioner, and shall contain a place of address in the Province, at which any notice may be served, and the affidavit in support of the Caution shall contain a reference to the land or charge to which the Caution applies, and to the registered number of the estate, and shall also contain the particulars of the cautioner's interest in such land or charge.

(2) The period to be limited by the notice to be served on the cautioner under section 59 of the Act shall be 14 days, or such other period, not less than 7 days, as the Master of Titles may direct. The consent of a cautioner under section 59 shall be signed by him, and shall be attested by a solicitor and duly verified.

*Inhibitions.*

Rule 17, made under Imp. Act 38 & 39 V. c. 87. 19. Every application to the Master of Titles for an inhibiting order under section 62 of the Act shall be supported by the affidavit of the applicant or his solicitor, stating the grounds of the application and referring to the evidence in favour thereof. An appointment shall be then made for hearing the same and for production of the evidence in support thereof.

*Restrictions.*

Rule 18, made under Imp. Act 38 & 39 V. c. 87. 20. Every application under section 63 of the Act shall state the particulars of the direction or restriction required to be entered on the register, and shall be proceeded with as the Master of Titles shall direct; and every application under section 64 of the Act to withdraw or modify any direction or restriction shall be made and signed by all persons for the time being appearing by the register to be interested in such direction or restriction, and shall be attested and duly verified.

Rule 19, made under Imp. Act 38 & 39 V. c. 87. (2) Before any entry is made upon the register under the third paragraph of section 85 of the Act the consent in writing thereto of the persons to be entered as the registered owners of the land or charge, stating the particulars of the entry required, shall be lodged in the office.

CHARGE

## CHARGE OF REGISTERED LAND.

21. The instrument by which any charge of freehold or leasehold land shall be made under section 26 of the Act shall be left in the office, and the execution thereof by the registered owner of the land shall be attested and duly verified. Rule 20, made under Imp. Act 38 & 39 V. c. 87.

(2) Where it is desired that an entry should be made on the register negating the implied covenants referred to in sections 27 and 28 of the Act, or that any entry should be made on the register, contrary to the powers given to a registered owner of a registered charge by sections 29, 30 and 31, respectively, or contrary to the provisions of section 32 as to the priority of registered charges, the application to be made in that behalf shall state the particulars of the entry required to be made, and shall be signed, and the signature attested and verified in the same manner as is required with respect to the execution of the instrument of charge.

(3) Such verification may, where practicable, be made by the same affidavit as that verifying the execution of the instrument of charge.

(4) Where a part only of the registered land is comprised in the instrument of charge, the part so charged shall be described in like manner as is provided by Rule 24 with reference to a transfer of part of registered land.

(5) In the event of a foreclosure or sale being enforced by the registered owner of the charge, all the provisions of the said Rule 24 shall, so far as the nature of the case may require, be applicable thereto.

## TRANSFER OF REGISTERED CHARGE.

22. The instrument by which any transfer of charge shall be made, under section 45 of the Act, shall be left in the office, and the execution thereof by the registered owner of the charge shall be attested and duly verified. Rule 21, made under Imp. Act 38 & 39 V. c. 87.

*Cessation of Charge.*

23. Where the cessation of a charge entered on the register is required to be notified under section 33 of the Act, the application shall be signed by the registered owner of the charge, or a registered owner interested in the land, and shall be attested and duly verified. Rule 22, made under Imp. Act 38 & 39 V. c. 87.

(2) If the application is not signed by the registered owner of the charge, due proof of the satisfaction of the charge shall be left with the application.

(3) The Master of Titles, upon being satisfied of the cessation of a charge, shall, where convenient, notify the same by cancelling the original entry, or shall otherwise enter on the register the fact of such cessation.

## TRANSFER OF REGISTERED LAND.

24. The instrument by which any transfer of land shall be made, under section 34 or 39 of the Act, shall be left in the office, and the execution thereof by the registered owner shall be attested and duly verified. Rule 23, made under Imp. Act 38 & 39 V. c. 87.

(2) A note shall be made on the registered description of the land retained, referring to the part disposed of.

*Entry Negating Implied Covenants on Transfer of Leasehold Land.*

25. Every application requiring an entry to be made on the register negating the implied covenants referred to in section 44 of the Act, shall state the particulars of the entry required to be made, and shall be signed, attested and verified, in the same manner as is required with respect to the execution of the instrument of transfer. The verification may, where practicable, be made by the same affidavit as that verifying the instrument of transfer. Rule 24, made under Imp. Act 38 & 39 V. c. 87.

*Evidence*

*Evidence of Transmission of Registered Ownership.*

Rule 25, made  
under Imp.  
Act 38 & 39  
V. c. 87.

26. Where it is required to prove the fact of any person having become entitled to any land or charge, in consequence of the death of any registered owner, the application shall state the fact to be proved, and the nature of the evidence in support thereof. The evidence shall be left in the office with the application, and the fact shall be proved to the satisfaction of the Master of Titles, and the matter shall be proceeded with as he shall direct.

*Death of Registered Owner, and Dower or Curtesy.*

Rule 26, made  
under Imp.  
Act 38 & 39  
V. c. 87.

27. Every application under section 46, 47 or 57 of the Act, shall be supported by the affidavit of the applicant and his solicitor, shewing concisely the existing rights of the several persons interested in the land or charge affected by the application.

(2) The evidence in support of the application shall be left therewith in the office, and the Master of Titles may require such other evidence (if any) and such notices to be given as he may think fit, and the matter shall be proceeded with as he shall direct.

(3) Notice of the title to an estate in dower or by the curtesy may be entered on the register as an incumbrance.

*Cessation of Incumbrances entered on first Registration and Determination of Lease of Registered Leasehold Land.*

Rule 27, made  
under Imp.  
Act 38 & 39  
V. c. 87.

28. Where, upon the first registration of any freehold or leasehold land, notice of an incumbrance affecting such land has been entered on the register, the cessation of which is required to be notified under section 23 of the Act, the applicant, in case there has been any dealing with, or transmission of, or interest created or arisen in, such incumbrance, not appearing on the register, shall leave in the office an abstract of his title to make the application and prove the same in the usual way, and the matter shall be proceeded with in the mode provided in the cases of examination of title on registration, subject to any special directions of the Master of Titles.

(2) Where there has been no dealing with the incumbrance, the applicant shall produce the instrument of incumbrance with a release or receipt thereon signed by the incumbrancer, whose signature and identity shall be duly verified.

(3) The Master of Titles, upon being satisfied of the cessation of an incumbrance, shall notify the same by cancelling, where convenient, the original entry, or otherwise by entering on the register the fact of such cessation.

(4) This rule shall, where applicable, extend to applications to notify the determination of any lease of registered leasehold land, under section 24 of the Act.

*Notice of Lease or Agreement.*

Rule 28, made  
under Imp.  
Act 38 & 39  
V. c. 87.

29. Every application to register notice of a lease or agreement, under sections 55 and 56 of the Act, shall contain a concise statement of the terms of the lease or agreement for a lease to be noticed.

(2) If the registered owner of the land does not concur, and a copy only of the original lease or agreement is deposited with the Master of Titles with the order of the Court authorizing the registration of the notice, the lease or agreement shall be produced for comparison with the copy.

(3) If the registered owner concur, he shall be a party to and sign the application, and his signature shall be attested and duly verified, and the application shall state the terms of the notice proposed to be entered, but such terms shall be subject to the approval of the Master of Titles.

(4) The lease or agreement shall be left with the application, and shall be stamped to shew that a notice of it has been entered upon the register.

PROCEEDINGS



## PROCEEDINGS ON AND AFTER REGISTRATION.

*Entry as to Exceptions under Section 22.*

30. Every application requiring an entry to be made on the register in respect to any of the liabilities, rights and interests, that are by the Act declared not to be incumbrances, shall state the particulars of the entry required to be made. Rule 29, made under Imp. Act 38 & 39 V. c. 87.

(2) The evidence in support of the application shall be left therewith, and the application shall be proceeded with in such manner as the Master of Titles shall direct.

*The like, and as to Mines and Minerals Unsevered from the Land.*

31. Any fact to be notified on the register under section 22 of the Act shall be entered in or against the registered description of the land unless the Master of Titles otherwise directs.

*Conditions.*

32. Every application to register conditions as annexed to land about to be registered, or to any registered land about to be transferred, shall be made, in case of land about to be registered, either by the person who by himself or nominee is about to be registered as owner of the land, or with his consent in writing, duly verified, and, in the case of land about to be transferred, either by the person actually registered as owner of the land, with the consent in writing, duly verified, of the intended transferee, or by such transferee, with the consent in writing, duly verified, of the registered owner. Rule 31, made under Imp. Act 38 & 39 V. c. 87.

(2) If the application relates to any leasehold land about to be registered, or to land about to be registered with an Absolute or Qualified title, the application and conditions shall be in accordance with the title examined by the Master of Titles, and if the application relates to any land about to be transferred, the conditions shall be in accordance with any conditions already registered.

(3) In any case of conditions being annexed on application under section 86, or on first registration as arising on the examination of title, a copy of the conditions, or of the document containing them, shall be left in the office, and the registration of such conditions may be made by reference on the register to such copy.

(4) On the registration of any leasehold land, held under a lease containing a prohibition against alienation without license, provision shall be made for preventing alienation without such license by an entry on the register of a reference to such prohibition.

*Land Certificate, Certificate of Charge, and Special Certificate.*

33. Every application for a land certificate or certificate of charge shall be made by the registered owner entitled to have and requiring the same. Rule 33, made under Imp. Act 38 & 39 V. c. 87.

(2) A land certificate shall be under the seal of the office, and contain a copy of the registered description of the land, and the name and address of the registered owner, and such other matters (if any) as may for the time being be entered on the register as affecting the land, and shall state whether the registered ownership is absolute, qualified, or possessory.

(3) A certificate by the Master of Titles, of the application for registration, shall be registered in the registry office of the registration division where the land lies before the first registration in the Land Titles Office is completed. For registering and indexing the certificate the Registrar shall be entitled to a fee of one dollar.

(4) A land certificate to the transferor under section 34 may, if the Master of Titles shall so think fit, consist of his subsisting land certificate, if any, altered to correspond with the register and certified accordingly.

(5) No new land certificate shall be issued under section 34 to the same owner unless the old certificate is delivered up, except as provided in section 80. (6)

(6) A certificate of charge shall be under the seal of the office, and may at the option of the applicant contain either a copy of the entry on the registry of such charge, with a reference to or a copy of the registered description of the land, or the same particulars as a land certificate.

(7) The Master of Titles shall, on the application of the registered owner of any land, deliver to him a Special Certificate, which shall be under the seal of the office, and shall contain a copy of a reference to the registered description of the land or the part thereof to which the application relates, and the name and address of such registered owner, and a copy of such other matters as may for the time being be entered on the register as affecting such land, including in the case of leasehold land a copy of or reference to the registered lease; and such certificate shall state, in the case of freehold land, whether the registered ownership is Absolute, Qualified or Possessory, and, in the case of leasehold land, whether any declaration, absolute or qualified, as to the title of the lessor to grant the lease has been made.

(8) Such Certificate shall be conclusive evidence of the title of such registered owner as appearing by the register. No entry shall be made in the register affecting the land comprised in such Special Certificate, and the estate of such registered owner, except on the delivery up of such certificate, until 14 days have expired from and after the date thereof. A note of such Special Certificate shall be entered in the register, and also (unless the Master of Titles shall otherwise direct) on the Land Certificate or office copy lease (if any).

*Registered Lease and Office Copy thereof.*

Rule 34, made  
under Imp.  
Act 38 & 39  
V. c. 87.

34. Every lease or copy of such lease, or of a counterpart thereof, deposited with the Master of Titles under section 15 of the Act shall be retained in the office during the continuance of such lease.

(2) Application for an office copy of a registered lease shall be made by the registered owner entitled to have and requiring the same. The office copy shall be marked as an office copy and authenticated under the seal of the office.

(3) In addition to or as part of the particulars required by section 20 of the Act to be endorsed on an office copy lease, a copy of or a reference to the registered description and the map, if any, annexed thereto, shall be endorsed on or annexed to such office copy.

(4) Where a fresh copy is required under section 39 of the Act, in addition to such of the particulars provided by section 20 of the Act, and this rule to be endorsed on an office copy or annexed thereto, as in the Master's opinion may be applicable, there shall be annexed to such fresh office copy and referred to in an endorsement thereon a copy of the map (if any) referred to in the registered description of the part transferred, shewing the part so transferred, and an endorsement shall be made on the office copy of the part retained, shewing the part disposed of by reference to its registered description, or otherwise.

**[REMOVED]** *New Land Certificate, Office Copy Lease, or Certificate of Charge.*

Rule 35, made  
under Imp.  
Act 38 & 39  
V. c. 87.

35. Every application for a new Land Certificate, or office copy of a Registered Lease, or Certificate of Charge to be granted, under section 80 of the Act, shall be supported by an affidavit of the applicant, stating the fact that the former one has been lost, mislaid, or destroyed, and the circumstances thereof, and the new Certificate or copy shall contain a statement that it is granted in the place of the Certificate or copy lost, mislaid, or destroyed.

*Questions arising on Registrations.*

Rule 36, made  
under Imp.  
Act 38 & 39  
V. c. 87.

36. If, at any time during the investigation of title, or in any registration proceeding, any question or doubt or dispute arise, notice may, with the consent of the Master of Titles, be given by the applicant to any person

person interested in such question or doubt or dispute, to the effect that the same will be brought before the Master of Titles at a time to be mentioned in such notice, and that such person may attend before the Master of Titles at such time by himself, or his counsel or solicitor, and take part in the investigation and settlement of such question, doubt, or dispute.

*Number of Registered Owners.*

37. No more than four persons shall at any time be registered as owners of the same land or charge. If the number of persons shewing title exceed four, such of them, not exceeding four, shall be registered as they may in writing agree upon, or, in case they cannot agree, as the Master of Titles may, upon application, decide after such notices have been given (if any), and proceedings taken as the Master of Titles may direct.

Rule 37, made under Imp. Act 38 & 39 V. c. 87.

MISCELLANEOUS.

*Applications to be Signed.*

38. Every application to be made under these Rules shall be signed by the applicant or his solicitor.

Rule 38, made under Imp. Act 38 & 39 V. c. 87.

*Abstracts and Documents to be Retained in Office.*

39. All abstracts and copies of documents and all documents for registration left in the office shall be retained in the office, pending completion of the registration to which they relate, and shall be afterwards dealt with as the Master of Titles shall direct. Abstracts and documents shall be examined with the originals.

Rule 40, made under Imp. Act 38 & 39 V. c. 87.

*Documents, etc., to be fairly Written.*

40. The Master of Titles may refuse to receive any abstract or document that is not fairly written, lithographed, or printed, or in conformity with the rules of the office.

Rule 41, made under Imp. Act 38 & 39 V. c. 87.

*Documents Executed by Attorney.*

41. If any document, left in the office for registration purposes, has been executed under a power of attorney, the power of attorney shall be produced, and, if the Master of Titles shall so direct, left in the office, and the execution thereof by, and the identity of, the principal, and the execution of the document by, and the identity of, the attorney shall be duly verified, and such evidence furnished (if any) that the power of attorney was effectual at the date of the execution of the document thereunder as the Master of Titles may direct.

Rule 42, made under Imp. Act 38 & 39 V. c. 87; R. S. O. c. 95, ss. 14 and 15.

*Destruction of Exhausted Instruments.*

42. The Master of Titles may direct the destruction of any instruments in his possession or custody where they have become altogether superseded by entries in the register or have ceased to have any effect.

Rule 43, under Imp. Act 38 & 39 V. c. 87.

*Stationery, Charges, and Stamps.*

43. All copies, entries, engrossments, or other writings made by a stationery clerk in the office, and all stationery and forms supplied by the office in the course of registration, shall be paid for by the applicant, in stamps or otherwise as the case may require.

Rule 45, made under Imp. Act 38 & 39 V. c. 87; R. S. O. c. 21.

(2) No entry shall be made on the register before the stamps (if any) in respect of the fees payable by stamps under the Act, and any rules thereunder,



under, have been impressed or affixed on some document sent to or lodged in the office with reference to the proposed registration, or as the Master of Titles shall direct, and before all expenses payable under the Act and rules have been provided for.

(3) Every officer of the land registry who shall receive any document to or upon which a stamp shall be affixed or impressed, under the Act or rules, shall, immediately on receipt of such document, cancel the stamp thereon, as provided by the Act respecting law stamps.

(4) The Master of Titles may refuse to receive in the office any document requiring to be and not duly stamped.

#### *Copies of Documents.*

R. S. O. c. 62,  
ss. 46 and 47.

44. In the case of any uncanceled instrument affecting land, which may be deposited, filed, kept, or registered in the office of the Master of Titles, an exemplification or certified copy attested by the Master's seal of office, shall be received as evidence in every Court in the Province in the same manner and with the same effect as in the case of instruments registered under *The Registry Act*.

#### *Verification of Instruments.*

Rule 46, made  
under Imp.  
Act 38 & 39  
V. c. 87.

45. Where the signing or execution of any document is required to be duly verified, such signing or execution shall be attested by a witness, and such verification shall be made by his affidavit, and when the document is signed or executed by a person named or referred to on the register, such affidavit shall identify the person signing or executing the same accordingly.

#### *Affidavits.*

Rule 47, made  
under Imp.  
Act 38 & 39,  
V. c. 87; R.  
S.O. c. 62, s.  
38.

46. Affidavits to be used in the course of registration may be made in the office of the Master of Titles, or before any person authorized to take affidavits under *The Registry Act*.

(2) The Master of Titles may, if he think fit, require evidence to be given *visa voce* before him.

#### *Estates to be Distinguished by Numbers.*

Rule 48, made  
under Imp.  
Act 38 & 39  
V. c. 87.

47. Unless the Master of Titles shall otherwise direct, land separately entered on the register shall be distinguished by a separate number, and where the land originally registered is dealt with in separate parcels, each new separate estate shall also refer to the number of the land originally registered.

#### *Substituted Description*

Rule 49, made  
under Imp.  
Act 38 & 39  
V. c. 87.

48. In case the registered owner of any land is desirous that a revised description shall be substituted for the then registered description, the Master of Titles, if he sees good reason, may in his discretion cause a revised description to be substituted accordingly.

(2) In that case such substituted description shall thenceforth be the registered description of the land, but without prejudice to the description existing at the time of such substitution, so far as relates to estates previously registered.

#### *Maps.*

R.S.O. c. 111,  
s. 82.

49. An owner sub-dividing land for the purpose of selling the same in allotments as a town plot or village plot, shall deposit with the Master of Titles a map of the town or village plot on a scale of not less than one inch to every four chains, shewing the number of the township or town lots, and range or concession, the numbers or letters of town or village

village lots, and names of streets, with the astronomical or magnetic bearing of the same, and shewing all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such information as will shew the lots, concessions, tracts or blocks of land of the township wherein the same is situate; every such map shall be signed by the owner or his agent, and certified as accurate by a provincial land surveyor.

50. In other cases the Master of Titles may require a person applying for registration under this Act, to deposit a map or plan of the land, with the several measurements marked thereon, certified by a licensed provincial surveyor, and upon one of the following scales:—

R.S.O. c. 111,  
s. 82; Mills,  
s. 36 *et seq.*;  
Rule 50 & 51,  
made under  
Imp. Act 38  
& 39 V. c. 88.

- (a.) If the land, or the portion thereof proposed to be transferred or dealt with, is of less area than one acre, then the map or plan shall be on a scale not less than one inch to two chains.
- (b.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than one acre, but not exceeding five acres, then the map or plan shall be on a scale not less than one inch to five chains.
- (c.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than five acres, but not exceeding eighty acres, then the map or plan shall be on a scale not less than one inch to ten chains.
- (d.) If the land, or the portion thereof proposed to be transferred or dealt with, is of greater area than eighty acres, then the map or plan shall be on a scale of one inch to twenty chains.

(2) The owner shall sign the said plan and verify the accuracy of the same before any person authorized under Rule 46.

(3) If the owner neglects or refuses to comply with such requirements as aforesaid, the Master of Titles may refuse to proceed with the registration of the transfer or dealing.

(4) Subsequent sub-sections of the same land may be delineated upon a duplicate of the map or plan of the same so deposited, if the same is upon a sufficient scale in accordance with the provisions herein contained; and the correctness of the delineation of each such sub-division shall be acknowledged in the manner prescribed for the case of the deposit of an original map.

(5) Where parts of different legal sub-divisions are included in the same transfer, the map shall represent the whole of such legal sub-divisions, and shall indicate the location of the lands to be transferred; this shall not be necessary in the case of lots in a city, town or village the plan of which has been registered.

#### *Summonses and Production of Public Documents.*

51. Upon any summons being issued under section 109 of the Act, the affidavit verifying the service thereof shall also prove that the reasonable charges of the attendance of the person summoned, and of his production of the documents (if any) required to be produced, have been paid or tendered to him.

Rule 52, made  
under Imp.  
Act 38 & 39  
V. c. 87.

#### *Notices, Preparation and Service of.*

52. All notices and summonses required to be given or served for any purpose shall be prepared by the applicant on the official forms and under the stamp of the office.

Rule 53, made  
under Imp.  
Act 38 & 39  
V. c. 87.

(2) If the service of the notices or summonses be personal, it shall be proved by affidavit.

(3)

(3) If the service be through the post, it shall be made by registered letter. In such case open official envelopes, duly stamped and addressed, and marked outside, "Office of Land Registry," and "to be returned to The Land Registry Office, Toronto, if not called for or delivered in ten days," and with the word "Registered," and containing the notices stamped, shall be left at the office for posting.

(4) Every notice required to be given shall, if sent through the post, unless returned, be deemed to have been received by the person addressed within 7 days, exclusive of the day of posting.

(5) On the return of any letter containing any notice, the Master of Titles shall act in the matter requiring such notice to be given, in such manner as he shall think fit.

*Substituted Service.*

Rule 54, made  
under Imp.  
Act 38 & 39  
V. c. 87.

53. Substituted service on the solicitor or agent of any person shall be deemed good service on such person if the Master of Titles shall so direct.

*Discretionary Power of Master.*

Rule 55, made  
under Imp.  
Act 38 & 39  
V. c. 87.

54. The Master of Titles, if he so think fit, may extend the time limited by general rules for any purpose, and where the signing or execution of any document or instrument, or any act is required by such rules to be attested and verified or done by a solicitor, may accept such document or instrument though not so attested or verified, and may give such directions in respect of such act though not so done, as he may think fit, and upon such terms and conditions (if any) in every such case as he may think proper.

(2) If at any time the Master of Titles is of opinion that any further or other evidence is necessary or desirable, he may refuse to complete any dealing with the register until such further or other evidence has been produced.

*The Register.*

Rule 56, made  
under Imp.  
Act 38 & 39  
V. c. 87.

55. The register shall be made and kept in such mode that in every case where there is a registered owner of land, such land and any transactions relating thereto authorized to be entered on the register shall form a separate folium of the register.

(2) The Master of Titles may withdraw from the register, by cancellation or otherwise, any notice or entry which he is satisfied no longer affects the registered land.

(3) No entry in the register shall be set aside or called in question by reason of any irregularity or informality in any proceeding previous to the making thereof.

(4) The Master of Titles shall note upon the register of the title of the transferor the number of the register of the transferee's title, and upon that of the transferee the number of the register of the transferor, so that reference can be readily made from one to the other as occasion may require.

*Indexes and Inspection.*

R.S.O. c. 111,  
ss. 33 and 35.

56. There shall be kept by the Master of Titles indexes corresponding as nearly as may be to the indexes provided for by the *Registry Act*; and any person may inspect the same.

Rule 57, made  
under Imp.  
Act 38 & 39  
V. c. 87.

57. All copies or extracts from any register or document in the custody of the Master of Titles relating to any land or charge, shall be made by a clerk in the office. No document not referred to in the register of the existing ownership shall, without the consent of the Master of Titles, be inspected by any person other than the registered owner or any one having his written consent.

*Forms.*



*Forms.*

58. The forms in the schedule hereto shall be used in all matters to which they refer or are capable of being applied or adapted, with such alterations and additions only as are necessary to meet the circumstances of each case; but no recital, reservation, covenant, declaration or other provision not referred to in or required by such forms, shall be inserted therein.

Rule 58, made under Imp. Act 38 & 39 V. c. 87.

(2) Official copies of the forms may be supplied through the office, and may, where practicable, be used in all matters to which the forms relate.

(3) The Master of Titles may reject any document which is informal, or which he may consider is not in accordance with this rule.

*Appeal.*

59. Upon any application to the Court being made on the requirement of or appeal from the Master of Titles, or for the rectification of the register under section 96, a statement shall be prepared by the applicant and settled and signed by the Master of Titles, and forwarded to the Court through the office before the hearing.

Rule 59, made under Imp. Act 38 & 39 V. c. 87.

(2) All applications to the Court and appeals from the Master of Titles shall be in the same manner and subject to the same regulations (as nearly as may be) as appeals from the Master in Ordinary or Master in Chambers under the Judicature Act and Rules.

(3) No appeal from a decision or order of the Master of Titles, or of the Court, shall affect any dealing for valuable consideration duly registered before a notice in writing of such appeal has been lodged in the office on the part of the appellant, and a note thereof made, on his application, in the register.

(4) No appeal shall be brought from a decision or order of the Master of Titles, or of the Court, after 28 days from the date of such decision or order, without leave of the Court.

(5) Service of any order, or official copy order, of any Court on the Master of Titles, shall be made by leaving the same in the office, and an application shall be left at the same time for the rectification of the register being made, or any other act being done, in accordance with such order, and the matter shall be proceeded with as the Master of Titles shall direct.

*Hours of Attendance.*

60. The office of the Master of Titles shall be open from the hour of ten in the forenoon until four in the afternoon every day in the year, Sundays and holidays excepted.

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## SCHEDULE OF FORMS.

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### 1.—Form of Register on first entry of Ownership.

LAND TITLES ACT, 1885.

A. B., of \_\_\_\_\_ is the owner in fee simple of (*description of property*), subject to the exceptions and qualifications mentioned in section 9 of *The Land Titles Act, 1885*, and numbered therein (*as the case may be, if the title is free from some of them.*)

In witness whereof I have hereunto subscribed my name and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 18 \_\_\_\_\_.

(Signed)

Where

*Where title is Possessory, say :*

The title of *A. B.* is subject to the claims (if any) which can be enforced to the said land by reason of any defect in the title of (*name of the first registered owner*).

*When the land is subject to a life estate, say :*

The title of *A. B.* is subject to the life estate of *G. H.*, of \_\_\_\_\_ in the said land.

*And if subject to a mortgage, say :*

The title of *A. B.* is subject to a mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_, made by *A. B.* to *W. B.*, to secure \$3,000 and interest at the rate of 7 per cent. per annum from the 17th day of July, 1882, payable as therein mentioned. (*If mortgage is discharged, say :*) Discharged by Certificate No. *B.*, 1602.

*Where the land is subject to a lease, say :*

The title of *A. B.* is subject to a lease, dated the \_\_\_\_\_ day of \_\_\_\_\_, made by *A. B.* to *Y. Z.*, for the term of ten years.

## 2.—Form of Register of Partial Interests.

### LAND TITLES ACT, 1885.

*A. B.*, of \_\_\_\_\_, is entitled to an estate for the term of his natural life in (*description of land*) mentioned and described in the Register of Owners, No. 1,500, but subject to the exceptions mentioned in section \_\_\_\_\_ of the Land Titles Act, 1885, and to such charges and partial interests as may be recorded hereon.

In witness whereof, etc.

(*Where title of original registered owner is possessory add*) The title of *A. B.* is subject to the claims (if any) which can be enforced against the said land by reason of any defect in the title of the said *A. B.* (*or other person who was the first registered owner*).

(*Where life estate is mortgaged, say*) The title of *A. B.* is subject to a mortgage dated the \_\_\_\_\_ day of \_\_\_\_\_, made by the said *A. B.* to *C. D.* to secure \$800 and interest at the rate of 7 per cent. per annum as therein mentioned.

(*If transfer made of mortgage, say :*) The mortgage \_\_\_\_\_ was transferred by *C. D.* to *E. F.* by transfer dated \_\_\_\_\_ (by way of mortgage to secure \$ \_\_\_\_\_).

(If the dealings in reference to any particular incumbrance are numerous, the incumbrance can be transferred to a new folio to which reference can be made.)

## 3.—Form of Certificate of Ownership.

### LAND TITLES ACT, 1885.

Form 1 under  
Imp. Act 38  
& 39 V. c. 87.

This is to certify that *A. B.* is the owner (*&c.*, in terms of the entry in the register).

## 4.—Form of Application for first Registration of Ownership.

LAND TITLES ACT, 1885.

A. B., of, etc., being entitled for his own benefit to an estate in fee simple in the land, in the township of \_\_\_\_\_, in the county of York, called or known as \_\_\_\_\_, containing by estimation \_\_\_\_\_ (or as the case may be, according to sections 5, 71 or 72 of the Act), and described in the schedule hereto, or described as follows, as the case may be, applies to be registered \_\_\_\_\_ (or where applicable, to have registered in his stead C. D., of, etc.), as owner of such land (or leasehold land) with (in the case of freehold land), a Possessory title (or with an Absolute title, or, in the case of leasehold land, with or without a declaration of the lessor's title to grant the lease, as the case may be).

The address of the said A. B. (and C. D. respectively) for service is as above (or if the application is made through a solicitor, at the office of such solicitor).

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature of the applicant or his solicitor.)

The above-mentioned C. D. (or the vendor or the person whose consent is required to the execution of the trust or power to sell) hereby consents to the above application.

(Signature of C. D., or the vendor or his solicitor, or of the other consenting parties.)

## 5.—Applicant's Affidavit

LAND TITLES ACT, 1885.

I, \_\_\_\_\_ of \_\_\_\_\_ make oath and say:—

1. I am the absolute owner in fee simple in possession (or as the case may be, repeating the words of the application) of the following land (describing the property) being the land mentioned in my application.

2. There is no charge or other incumbrance affecting my title to the said land (except, stating any incumbrances which may exist.)

3. I am not aware of any claim adverse to or inconsistent with my own to any part of the land claimed by me or to any interest therein, (except, specify the adverse claim, if any, giving the name and address of the claimant if known, and stating how the claim arises.)

4. The deeds and evidences of title which I produce in support of my application, and of which a list is set out in the schedule of particulars produced by me in support thereof and marked as exhibit A, are all the title deeds and evidences of title relating to the said land which are in my possession or power.

5. The title deeds and evidences of title relating to the said land which are set out or mentioned in the schedule hereto marked as exhibit B, are in the possession or power of (naming the person.)

6. I do not know where, or in whose possession or power the title deeds and evidences of title set out or mentioned in the schedule marked as exhibit C are. For the said last mentioned title deeds I have caused the following searches to be made (set out the facts shewing the searches which have been made for the missing deeds and upon which it is intended to rely as sufficient to let in secondary evidence. Where there are no other title deeds, etc., except those named in Exhibit A., the fifth and sixth paragraphs of this form will be omitted.)





8.—*Certificate as to Taxes.*

Treasurer's office, County of

day of 18

I certify that no charge for arrears of taxes appears at the date hereof in the books of this office against Lot No. in the concession of the township of I further certify that the return of lands in the township of in arrear for taxes for the year 18 has been made to this office.

And I further certify that the said land has not been sold for taxes for eighteen months preceding the date hereof.

S. T.  
Treasurer.

9.—*Advertisement.*

LAND TITLES ACT, 1885.

In the matter of (*short description of the property*)

Notice is hereby given that A. B., &c., has made an application to the Master of Titles for a certificate of title to the above mentioned property under the Land Titles Act, 1885, and has produced evidence whereby he appears to be the owner thereof in fee, free from all incumbrances (except, *stating the incumbrances if any*); wherefore any other person having or pretending to have any title to or interest in the said land or any part thereof is required on or before day the day of now next ensuing, to file a statement of his claim in my office in the City of Toronto, and to serve a copy on the said A. B. or on J. H., of &c., his solicitor, and in default every such claim will be barred and the title of the said A. B. become absolute and indefeasible at Law and in Equity, subject only to the reservations mentioned in the section of the said Act.

Dated this day of 18

X. Y.,  
Master of Titles.

10.—*Form of Objection.*

LAND TITLES ACT, 1885.

In the matter of the application of

C. D., of, &c., hereby gives notice that he objects to the registration of A. B., under the Land Titles Act, as the owner of the land called or known as, comprised in the above application.

The particulars of the objection of the said C. D., are (*here state concisely particulars of objection.*)

Dated this day of 18

(*Signature of the objector or his solicitor.*)

11.—*Notice to Objector.*

LAND TITLES ACT, 1885.

In the matter of the application of

Take notice that the objection lodged by you to the registration of A. B., of, &c., under the Land Titles Act, 1885, as owner of the land called or known as, is appointed to be heard before the Master of Titles,

Titles, at his office in Toronto, on the                      day of                      18                      , at o'clock, and that you may attend and be heard before the said Master at such time and place by yourself, or by your counsel or solicitor, and may then and there shew cause, by affidavit or otherwise, in support of your objection.

Dated the                      day of                      18                      .

(Signature of applicant or his solicitor.)

12.—*Notice where the Applicant mentions adverse claim which he disputes.*

LAND TITLES ACT, 1885.

Take notice that *A. B.*, of, &c., has made an application for a certificate under the Land Titles Act 1885, of his Title to the property described below (*or as the case may be*), and take notice that if you claim any interest therein you must lodge your claim in writing, stating the particulars thereof, at my Chambers in Toronto, on or before the                      day of                      and serve a copy on the said *A. B.* or on *J. H.* of, &c., his solicitor, and in default thereof any claim, right or interest you may have therein will be forever barred and extinguished.

Given under my hand this                      day of                      18                      .

X. Y.,

Master of Titles.

13.—*Affidavit of Publication of Advertisement.*

LAND TITLES ACT, 1885.

I, *A. B.* of, &c., make oath and say :

1. A true copy of the advertisement now produced and shewn to me and marked as exhibit A, appeared and was published in the issue of the *Ontario Gazette* on the                      day of                      .

2. A true copy of the said advertisement also appeared and was published in each issue of the                      newspaper on the                      and                      days of                      .

3. I have examined copies of the said *Gazette* and                      newspaper issued on each of the said days.

Sworn, &c.

14.—*Affidavit of posting up the Advertisement in the Court House.*

LAND TITLES ACT, 1885.

I, *A. B.* of, &c., make oath and say :

1. I did on the                      day of                      , post up and affix in a conspicuous place in the Court House in the town of                      , a true copy of the advertisement now produced and shewn to me and marked as exhibit A to this affidavit.

2. The said advertisement so posted up by me as aforesaid remained affixed up in the said place for the full period of one month, as I verily believe, (*state the reasons for this belief.*)

3. The said Court House is the Court House of the County in which the lands in question in this matter are situated.

Sworn, etc.



15.—*Affidavit of Posting up Advertisement at the Nearest Post Office.*

LAND TITLES ACT, 1885.

I, A. B. of, &c., make oath and say :

1. I did on the       day of       , post up in a conspicuous place in the post office, in the village of       , a true copy of the advertisement in this matter now produced and shewn to me and marked as Exhibit A.

2. The said advertisement remained where it was posted up by me continuously for the full period of one month, as I verily believe, (*state the reasons for this belief*).

3. The post office in the village of       is the post office nearest the land in question in this matter.

Sworn, &c.

16.—*Caution (under Section 65) before Registration.*

LAND TITLES ACT, 1885.

I, A. B., of etc., have such an interest in the land particularly described in the statutory declaration bearing even date herewith, and made by me and left in the office of Land Registry, in support of this Caution, as entitles me to object to any disposition thereof being made without my consent, and I am entitled to notice of any application that may be made for the registration of such land. Form 11 made under Imp. Act 38 & 39 V. c. 87.

My address for service of notice is       , in the       of       , in the county of       .

Dated this       day of       , 18       .

(*Signature of the cautioner or his solicitor.*)

17.—*Affidavit under Section 67 in support of Caution lodged under Section 65.*

LAND TITLES ACT, 1885.

I, A. B., of etc., make oath and say as follows :

1. The land affected by the caution, dated the       day of       , lodged by me with the Master of Titles, is the land described in the schedule hereto (*or as the case may be*), or so much thereof as is comprised in       . Form 12 made under Imp. Act 38 & 39 V. c. 87.

2. My interest in the said land entitles me to object to any disposition of the said land being made without my consent, and the nature of such my interest is as follows : [*here state particulars of cautioner's interest.*]

The schedule above referred to. [*Here insert ordinary description of land to be affected by the Caution.*]

18.—*Notice to Cautioner (under Sections 65 and 68.)*

LAND TITLES ACT, 1885.

NOTICE.—C. D., of, etc., has applied to be registered (*or to have registered in his stead E. F., of etc.*) as owner of the land in the       of       , in the county of York, affected by the Caution dated the       , 18       , lodged by you in the office of the Master of Titles in Toronto ; Form 13 made under Imp. Act 38 & 39 V. c. 87.  
and

and if you intend to appear and oppose such registration you are to enter an appearance for that purpose at the said office before the expiration of 14 days from the date of the service of this notice.

Dated this            day of            18 .

*Signature of the Master of Titles and of the applicant or his solicitor.*  
To

19.—*Caution (under Section 58) after Registration.*

LAND TITLES ACT, 1885.

Form 14 made  
under Imp.  
Act 38 & 39  
V. c. 87.

I, *A. B.*, of, etc., being interested in the land registered in the name of            under the number            in the            (or in the charge registered the            day of            18 , in the name of *E. F.*, of, etc., on the lands, etc., (*as the case may be*), require that no dealing with such land (or charge) be had on the part of the registered owner until notice has been served upon me.

My address for service of notice is lot            , in the            concession, in the County of York, and my Post Office address is

Dated this            day of            , 18 .

*Signature of the cautioner or his solicitor.*

20.—*Affidavit in support of Caution lodged under Section 58.*

LAND TITLES ACT, 1885.

Form 15 made  
under Imp.  
Act 38 & 39  
V. c. 87.

I, *A. B.*, of, etc., make oath and say, as follows :—

1. The land (or charge) to which the Caution dated the            day of            , 18 , lodged by me at the office of the Master of Titles in the City of Toronto applies, is the land (or charge registered the day of            18 , in the name of            on the land) registered in the name of            under the No.            in the said office.

2. I am interested in such land (or charge), and the particulars of my interest are as follows [*here state particulars*].

21.—*Notice to Cautioner (under Sections 58 and 59.)*

LAND TITLES ACT, 1885.

Form 16 made  
under Imp.  
Act 38 and 39  
V. c. 87.

NOTICE.—The caution lodged by you in the office of the Master of Titles on the            day of            18 , requiring that no dealing with the land (or charge registered the            day of            18 , in the name of            on the land) registered in the name of            under the number            should be had on the part of the registered owner until notice had been served upon you, will cease to have any effect after the expiration of 14 days next ensuing the date at which this notice is served, and that after the expiration of such time as aforesaid the caution will cease unless an order to the contrary is made by the Master of Titles.

Dated the            day of            18 .

(*Signature of Master, and official stamp of office.*)

To  
the cautioner.

22.—*Application for Inhibiting Order.*

LAND TITLES ACT, 1885.

C. D., of, etc., being interested in the land registered under the Land Titles Act, 1885, in the name of \_\_\_\_\_ under the No. \_\_\_\_\_ in the office of the Master of Titles in Toronto (or in the charge registered the day of \_\_\_\_\_ 18, in the name of \_\_\_\_\_ on the land, etc., as the case may be), hereby requests the Master to inhibit until further order or entry (or otherwise, as the case may be), any dealing with the said land (or charge). Form 17 made under Imp. Act 38 & 39 V., c. 87.

The grounds of this application, and the evidence to be produced in support thereof, are stated or referred to in the declaration of the said C. D. (or of E. F., the solicitor of the said C. D.) filed herewith.

Dated, etc.

(Signature of C. D. or his solicitor.)

Affidavit to be filed stating particulars of applicant's title.

23.—*Application to Register Restriction.*

LAND TITLES ACT, 1885.

A. B., the registered owner of the land No. \_\_\_\_\_ on the register under the Land Titles Act, 1885, requests the Master to make an entry in the register that no transfer shall be made of, or charges created on, such land, unless [here insert the terms of the restriction required to be entered]. Form 18 made under Imp. Act 38 & 39 V., c. 87.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signature of owner.)

24.—*Application to Withdraw or Modify Restriction.*

LAND TITLES ACT, 1885.

A. B., the registered owner of the land No. \_\_\_\_\_ on the register under the Land Titles Act, 1885, C. D., of, etc., and E. F., of, etc., request that the restriction on transferring or charging the land No. \_\_\_\_\_ on the register, a note whereof was made on the register on the day of \_\_\_\_\_ 18, may be withdrawn, [or modified in the following manner, here state the nature of the modification required]. Form 19 made under Imp. Act 38 & 39 V., c. 87.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

\*(Signatures of A. B., C. D., E. F., etc.)

Witness to all the signatures,

X. Y.,

\* The applicants must be all the persons interested in the restriction.

25.—*Charge or Mortgage.*

LAND TITLES ACT, 1885.

I, A. B., the registered owner of the land entered under the Land Titles Act, 1885, in the register under the above number, in consideration of (\$2,000) paid to me, charge such land with the payment to C. D., of, \_\_\_\_\_ Form 20 made under Imp. Act 38 & 39 V., c. 87.



etc., on the            day of            18    , of the principal sum of (\$2,000) with interest at the rate of \$        per cent. per annum, and with a power of sale to be exercised after default, and            months' subsequent notice of the intention to sell, (or, as the case may be.) (Add any covenants which are agreed to and are not implied under the Act or otherwise.)

Dated the            day of            18    .

(Signature of registered owner.)

Witness,

X. Y.

NOTE.—If no interest is to be payable, or no power of sale given, substitute the words "without interest," or "without a power of sale," as the case may be.

## 26.—Transfer of Charge or Mortgage.

LAND TITLES ACT, 1885.

Form 21 made  
under Imp.  
Act 38 & 39  
V., c. 87.

I, C. D., the registered owner under the Land Titles Act, 1885, of the charge dated the            day of            18    , and registered on the            day of            18    , on the land registered in the name of A. B., under the above number, in consideration of (\$2,000) paid to me, transfer such charge to E. F., of, etc., as owner.

Dated the            day of            18    .

(Signature of registered owner.)

Witness,

X. Y.

## 27.—Application to notify Cessation of Charge, under Section 33, by the Registered Owner thereof.

LAND TITLES ACT, 1885.

Form 22 made  
under Imp.  
Act 38 & 39  
V., c. 87.

A. B., of, etc., the registered owner of the charge registered under the Land Titles Act, 1885, the            day of            18    , in his name on the land No.            registered in the name of            hereby requests the Master of Titles to notify on the register the cessation of the said charge.

Dated the            day of            18    .

(Signature of A. B.)

Witness,

X. Y.

NOTE.—The application will vary according to circumstances.

## 28.—Transfer of Freehold or Leasehold Land.

LAND TITLES ACT, 1885.

Form 23 made  
under Imp.  
Act 38 & 39  
V., c. 87.

I, A. B., the registered owner of the land, or leasehold, entered in the register under the Land Titles Act, 1885, under the above number, in consideration of (\$3,000) paid to me, transfer such land to C. D., of, etc.

Dated the            day of            18    .

(Signature of registered owner.)

Witness,

X. Y.

29.—*Transfer of Freehold or Leasehold Land in Parcels.*

LAND TITLES ACT, 1885.

I, *A. B.*, the registered owner of the freehold (or leasehold) land entered in the register under No. \_\_\_\_\_, and registered with an Absolute title [or with a Qualified title, or with a Possessory title, or, in the case of a leasehold, with a declaration that the lessor had an Absolute or Qualified title to grant the lease, or, without the declaration of the title of the lessor, as the case may be] in consideration of (\$1,500) paid to me, transfer to *C. D.*, of, etc., the land (or lease) hereinafter particularly described, or so much thereof, being part of the land now registered under No. \_\_\_\_\_ etc.

(Signature of registered owner.)

Form 24 made under Imp. Act 38 &amp; 39 V. c. 87.

30.—*Form of Transfer by Endorsement.*

LAND TITLES ACT, 1885.

I, the within named *A. B.*, in consideration of \$ \_\_\_\_\_ paid to me by *C. D.*, transfer to *C. D.* the within mentioned land.  
Dated etc.,

(Signature.)  
(No Seal necessary.)

Form in schedule 25 &amp; 26 V. c. 96 (Imp.); McCarthy's schedule 1.

Witness (as above).

31.—*Form of Transfer of Charge or Mortgage.*

LAND TITLES ACT, 1885.

I, the within named *A. B.*, in consideration of \$ \_\_\_\_\_ paid to me, do transfer to *C. D.*, the within mentioned mortgage.  
Dated, &c.,

(Signature.)  
(No Seal necessary.)

Form in schedule 25 &amp; 26 V. c. 96 (Imp.); Mill's schedule 1, McCarthy's schedule 1.

Witness (as above.)

32.—*Form of Transfer of Land under Writ of Fieri Facias.*

LAND TITLES ACT, 1885.

I, \_\_\_\_\_, Sheriff of \_\_\_\_\_, in pursuance of a writ of fieri facias, tested the \_\_\_\_\_ day of \_\_\_\_\_, and issued out of (insert name of Court) in an action wherein \_\_\_\_\_ is the plaintiff, and the defendant, which said defendant is registered under the Land Titles Act, as the owner of the land hereinafter described, subject to the exceptions, qualifications, mortgages, and encumbrances (or as the case may be), notified hereunder, do hereby, in consideration of the sum of \_\_\_\_\_ paid to me, as Sheriff aforesaid, by *E. F.* (insert addition), transfer to the said *E. F.* all that piece of land (here insert a sufficient description of the land, and refer to the registered number of the property.)

Dated the \_\_\_\_\_ day of \_\_\_\_\_,

Signature of Sheriff.  
(No Seal necessary.)

Exceptions, qualifications, mortgages and encumbrances referred to.  
(State them.)

33.—*Application for Entry to be made in Register, negating Implied Covenants under Section 44.*

LAND TITLES ACT, 1885.

Form 25 made under Imp. Act 38 & 39 V. c. 87. *A. B.*, the registered owner of the land No. \_\_\_\_\_, on the register, and *C. D.*, of, etc., the transferee named in the instrument of transfer dated the \_\_\_\_\_ day \_\_\_\_\_, 18\_\_\_\_, and lodged herewith, request the Master of Titles to make an entry in the register to the effect following; that is to say [*here state the implied Covenants to be negated*].  
Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.  
(*Signatures of transferor and transferee.*)

Witness to both signatures,  
*A. Y.*

34.—*Transmission of Registered Ownership on death of Owner.*

*Application under Section 47 or 49.*

LAND TITLES ACT, 1885.

Form 26 made under Imp. Act 38 & 39 V. c. 87. *A. B.*, the registered owner of the land, (or charge, dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, on the land, etc., *as the case may be*), No. \_\_\_\_\_ on the register, died on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, (or otherwise, *as the case may be, within sections 47 or 49 of the Act*), *C. D.*, of, etc., is entitled to the said land (or charge), and applies to be registered as the owner thereof accordingly.

The evidence in support of the above application consists of [*here state the evidence to be lodged herewith*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.  
*Signature of C. D., or his solicitor.*

35.—*Transmission of Registered Ownership.*

*Application under Section 46.*

Form 27 made under Imp. Act 38 & 39 V. c. 87. *A. B.*, the registered owner of the land No. \_\_\_\_\_ on the register, died on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, (or otherwise, *as the case may be*), *C. D.*, of, etc., being interested in the said land, applies to be registered (or to have *E. F.*, of, etc., registered), as owner of the said land.

The interest of the said *C. D.*, (or *E. F.*), and the existing rights of the several other persons interested in the said land, are stated in the affidavit\* of the said *C. D.* and *G. H.*, of, etc., the solicitor of the said *C. D.*, filed herewith, and the other evidence in support of this application is left herewith.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.  
(*Signature of C. D. or his solicitor.*)

\* Affidavit, etc., to be left with application.



36.—*Application under Section 57, as to dower or curtesy.*

## LAND TITLES ACT, 1885.

*C. D.*, of, etc., being entitled to an estate in dower (or by the curtesy) on the register, and of which land under Imp. Form 28 made in the land numbered \_\_\_\_\_, *A. B.* is the registered owner, applies that notice of such estate may be entered on the register. Act 38 & 39 V. c. 87.

The existing rights of the several persons interested in the said land are stated in the affidavit\* of *C. D.* and *G. H.*, of, etc., the solicitor of the said *C. D.*, filed herewith, and the other evidence in support of this application is left herewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signature of *C. D.*, or his solicitor.)

\* Affidavit, etc., to be left with application.

37.—*Application to notify Cessation of Incumbrance or Lease entered on the Register on first Registration.*

## LAND TITLES ACT, 1885.

*A. B.*, the registered owner of the land No. \_\_\_\_\_ on the register, Form 29 made hereby requests the Master to notify on the register the cessation of the under Imp. Act 38 & 39 V. c. 87. incumbrance (describing it) (or the determination of the lease, describing it) entered upon the register, the same being discharged (or determined), as appears by the abstract of title marked *A.* (or as appears from the receipt endorsed upon the instrument of incumbrance, or otherwise, as the case may be), and the affidavit of \_\_\_\_\_ lodged herewith.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

(Signature of *A. B.* or his solicitor.)

38.—*Application for Registration of Notice of Lease, or Agreement for Lease under Sections 55 and 56.*

## LAND TITLES ACT, 1885.

*C. D.*, of, etc., being interested in the land No. \_\_\_\_\_ on the Form 30 made register, of which *A. B.* is the registered owner, by reason of a lease [or under Imp. Act 38 & 39 V. c. 87. agreement for a lease], the particulars of which are stated in the schedule hereto, hereby requires the Master of Titles to enter a notice of the said lease [or agreement] upon the register\* [in accordance with the order lodged herewith], in the terms following, that is to say [here state the terms of notice agreed upon, and which must be a concise notice merely].

*A. B.*, the registered owner of the above land, concurs in this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

Witness to the signature of *C. D.*,

Witness to the signature of *A. B.*

*X. Y.*

} (Signatures of *C. D.* and *A. B.*)

## THE SCHEDULE.

[Here insert shortly particulars of the Loan or Agreement.]

\* If the registered owner of the land concurs in this application, these words in brackets will be omitted; if otherwise, the words following, referring to the terms of the notice, and the last paragraph, must be omitted, and the order left in the office with the application.

39.—*Application to Annex Conditions to Registered Land.*

LAND TITLES ACT, 1885.

Form 32 made  
under Imp.  
Act 38 & 39  
V. c. 87.

*A. B.*, the registered owner of the land No. \_\_\_\_\_ on the register, and part of which is about to be transferred to *C. D.*, of, etc., pursuant to the instrument of transfer left herewith, hereby requests the Master of Titles to register, as annexed to the part of the land to be so transferred, the conditions, a copy of which is left herewith.

The said *C. D.* consents to this application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

(Signatures of *A. B.* and *C. D.*)

Witness,  
*X. Y.*

40.—*Application to Annex Conditions to Land about to be registered.*

LAND TITLES ACT, 1885.

Form 33 made  
under Imp.  
Act 38 & 39  
V. c. 87.

*A. B.*, of, etc., being about by himself or nominee to be registered as owner of the land called or known as \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ in the county of York, comprised in the application of the said *A. B.* for registration dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, requests the Master of Titles to register as annexed to the said land the conditions a printed copy of which is left herewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

Witness,  
*X. Y.*

(Signature of *A. B.*)

41.—*Application for Land Certificate (or Certificate of Charge or office copy lease.)*

LAND TITLES ACT, 1885.

Form 36 made  
under Imp.  
Act 38 & 39  
V. c. 87.

*A. B.*, the registered owner of a charge dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, and registered the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, on the freehold (or leasehold) land No. \_\_\_\_\_ on the register, hereby requests the Master to deliver to him a Land Certificate (or Certificate of Charge, or an office copy of the Registered Lease, (as the case may be).

\* *A. B.* desires that the certificate of charge shall contain the same particulars as a land certificate (or otherwise according to rule 37).

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_.

(Signature of *A. B.* or his solicitor.)

\* To be added if application be for Certificate of Charge.

42.—*Affidavit attesting Execution of Instrument and identifying Owner.*

LAND TITLES ACT, 1885.

Form 37 made  
under Imp.  
Act 38 & 39  
V. c. 87.

*I, G. H.*, of, etc., a solicitor of the Supreme Court of Judicature, do make oath and say that I am well acquainted with *A. B.*, the person named in the within document dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_, that I saw him sign the said document; that the name *A. B.*, at the foot thereof, is the handwriting of the said *A. B.*, and that the said *A. B.*, is the \_\_\_\_\_ the

the same person as *A. B.* who is named in the register as the owner of (the charge dated the       day of       , 18       , and registered the day of       ,) the land entered on the register under the number       , and that the said *A. B.* is of full age and under no legal disability.

43.—*Form of a reference to the Court.*

*In the High Court of Ontario.*

LAND TITLES ACT, 1885.

(*Date.*)

In the matter of the registration of transfer (or as the case may be) *A. B.* to *C. D.*

The Master of Titles under section       of the Land Titles Act, 1885, hereby humbly refers the following matter to the Court, to wit : (*Here state briefly the difficulty which has arisen.*)

The parties interested, so far as the Master of Titles knows or has been informed, are : (*Here give the names.*)

*Signature of Master of Titles.*

*L. S.*

44.—*Form of Power of Attorney to make Transfers.*

LAND TITLES ACT, 1885.

I, *A. B.*, do appoint *C. D.* my attorney to transfer to *E. F.* absolutely Form in (or by way of mortgage, as the case may be), all my lands as entered and schedule 25 & described in the register of estates under No. 129, and my estate therein. 26 V. c. 96, (Imp.); Mill's schedule N., McCarthy's schedule K.

*A. B.*

Witness (*as above.*)

*X. Y.*

(If such is the intention, add, that the power shall not be revoked by the death of the said *A. B.*, and the exercise of the same after his death shall be binding on his representatives).

45.—*Form of Revocation of Power.*

LAND TITLES ACT, 1885.

I, *A. B.*, of       , hereby revoke the power of attorney, given by me to       , dated the       day of      

In witness whereof, I have hereunto subscribed my name this day of      

(*Signature of A. B.*)

Witness (*as above.*)



## CHAPTER 23.

## An Act to further amend the Registry Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O., c.  
111, s. 63,  
repealed.

1. Section 63 of *The Registry Act* is hereby repealed, and the following is substituted therefor:—

Registration  
of wills.

63. Every will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, or an exemplification thereof, under the seal of any court in this Province, or in Great Britain and Ireland, or in any British province, colony, or possession, or in any foreign country having jurisdiction therein, and by the deposit of a copy of such probate, letters of administration, or exemplification with an affidavit verifying such copy.

R. S. O. c. 111,  
s. 85 repealed.

2. Section 85 of the said Act is hereby repealed, and the following is substituted therefor:—

Plans of  
towns or  
villages to be  
registered in  
certain cases.

85. (1) Where any incorporated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section 82 of this Act, the municipal Council of the township within which such unincorporated village is situated or of such incorporated town or village, shall, upon the written request of the inspector or of any person interested, addressed to the clerk of the municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered in the registrar's office of the county within which such municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and the surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to the said map or plan the corporate seal of the municipality shall be attached.

Payment of  
expenses.

(2) The expense attending the getting up and depositing of such map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same shall be paid by a special rate to be levied by assessment on all ratable property comprised in the unincorporated

porated village, as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in section 82 of this Act.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may, at the written request of the inspector, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last mentioned expenses as it has for compelling payment of taxes.

Registration  
of plans of  
Township  
sub-divisions  
in certain  
cases.

(4) Nothing in this section contained shall be deemed or construed as relieving any person from any liability, duty, obligation, or penalty provided or imposed by or under any of the provisions of section 82 of this Act.

Obligations  
not impaired.

3. Any affidavit made under the authority of *The Registry Act* may, within this Province, be made before a Notary Public.

Affidavits may  
be made before  
Notary Public.

## CHAPTER 24.

### An Act respecting Saw Mills on the Ottawa River.

[Assented to 30th March, 1885.]

WHEREAS in the public interest, and in order to con-  
serve the public revenue of the Province, it is expedient  
to prevent the stoppage of saw mills situate on or near the  
Ottawa River or any of its tributaries, by the process of injunc-  
tion in certain cases where such process is now obtainable;

Preamble.

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows :—

Right to  
injunction  
restricted

1. (1) When in any action or other proceeding any person shall claim, and but for this Act would be entitled to, an injunction against the owner or occupier of any saw mill situate on or near the said Ottawa River or any of its tributaries, for any injury or damage, direct or consequential, sustained by any such person, or for any interference directly or indirectly with any rights of any such person as riparian proprietor or otherwise, by reason or in consequence of the throwing or depositing of any sawdust or other mill refuse into the said river or its tributaries from any such mill, or from any such mill together with other mills, the court or judge may refuse to grant an injunction in any such action or other proceeding, in case it is proved to the satisfaction of such court or judge by the person against whom such injunction is claimed that having regard to all the circumstances, it is on the whole, proper and expedient not to grant the same, and for that purpose shall take into consideration the importance of the lumber trade to the locality wherein such injury, damage or interference takes place, and the benefit and advantage, direct and consequential, which such trade confers on the locality and on the inhabitants thereof, and shall weigh the same against the private injury, damage or interference complained of ;

(2) Or such court or judge may grant an injunction to take effect after such lapse of time or upon such terms and conditions or subject to such limitations or restrictions as to such court or judge may seem proper ;

(3) Or may in lieu of granting an injunction direct the person against whom such injunction is claimed to take such measures or perform such acts to prevent, avoid, lessen or diminish the injury, damage or interference complained of, as to such court or judge may seem proper ;

(4) Provided always that in any such action or other proceeding the person claiming the injunction shall nevertheless be entitled to damages against the owner or occupier of the saw mill for any such injury, damage or interference.

Application  
Act.

2. This Act shall apply whether the said injury, damage or interference is a continuing one or not, and whether the said person claiming any such injunction is plaintiff in the said action or other proceeding, or is a defendant therein proceeding by way of counter-claim, and shall apply to pending suits as well as to suits which may be hereafter brought, but the costs incurred in any pending suit shall be disposed of as if this Act had not been passed ; but this Act shall not apply where in the opinion of such court or judge the injury, damage or interference complained of is of such a nature that the same cannot be adequately compensated for by the awarding of damages.



## CHAPTER 25.

An Act to render negotiable by endorsement certain  
Warehouse receipts issued for crude Petroleum.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1. All transportation and warehouse receipts, accepted orders and certificates for crude petroleum, issued by any company heretofore, or which may, at any time hereafter, be incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, or by any other company incorporated under competent authority, and authorized to carry on the business of warehousing, shall be transferable by endorsement, either special or in blank, and upon being endorsed in blank shall become transferable by delivery, and every such endorsement or transfer by delivery shall transfer all right of property and possession of the petroleum mentioned in any such transportation or warehouse receipt, accepted order or certificate, to the endorsee or transferee thereof, subject to the terms and conditions of such transportation or warehouse receipt, accepted order or certificate, as fully and completely as if a sale of the petroleum mentioned therein had been made in the ordinary way; and on the delivery of any petroleum mentioned in any such document, by any such company, in good faith, to a person in possession of any such transportation or warehouse receipt, accepted order or certificate, endorsed or transferred as aforesaid, such company shall be freed from all further liability in respect thereof, and the endorsee, or transferee or holder of every such transportation or warehouse receipt, accepted order or certificate, to whom the property in the petroleum mentioned therein passes by reason of any such endorsement or delivery, shall have transferred to and vested in him all rights of suit and be subject to the same liabilities in respect of such petroleum as if the contract contained in such transportation or warehouse receipt, accepted order or certificate had been made by the company with himself.

2. In the summary required to be made by any company under the provisions of section 49 of *The Ontario Joint Stock Companies' Letters Patent Act*, so long as the company carries on the business of warehousing crude petroleum, the following other particulars shall be contained in the said summary:

(1) The total quantity of crude petroleum actually held by the company for the purpose of answering such transportation and warehouse receipts, accepted orders and certificates as aforesaid.

Particulars as to petroleum held by company to be given in statement required by R. S. O. c. 150, s. 49.

(2)

(2) The total quantity of crude petroleum in respect of which the company as warehousemen, or carriers, are liable to make delivery to other persons.

(3) The said 49th section shall as respects the particulars hereinbefore required to be inserted in the said summary apply to every other incorporated company carrying on a business of warehousing crude petroleum in this Province, so long as such company carries on the same.

## CHAPTER 26.

### An Act respecting Assignments for the Benefit of Creditors.

[Assented to 30th March, 1885.]

Preamble.

**W**HEREAS great difficulty is experienced in determining cases arising under the present law relating to the transfer of property by persons in insolvent circumstances, or on the eve of insolvency, and it is desirable to remedy the same ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 118, s. 2, and 47 V. c. 10, s. 3, repealed.

1. Section 2 of the *Act respecting the Fraudulent Preference of Creditors by persons in insolvent circumstances*, chapter 118 of the Revised Statutes, and section 3 of the *Administration of Justice Act, 1884*, are hereby repealed, and the following sections are substituted therefor.

Gift, transfers, etc., made by insolvents, which defeat or prejudice creditors, to be void.

2. Every gift, conveyance, assignment or transfer, delivery over or payment of any goods, chattels or effects, or of any bills, bonds, notes, securities, or of any shares, dividends, premiums or bonus in any bank, company or corporation, or of any other property, real or personal, made by any person at a time when he is in insolvent circumstances, or is unable to pay his debts in full, or knows that he is on the eve of insolvency, with intent to defeat, delay, or prejudice his creditors, or to give to any one or more of them a preference over his other creditors, or over any one, or more of them, or which has such effect, shall, as against them, be utterly void.

Assignments for benefit of creditors and bona fide sales, etc., protected.

3. (1) Nothing in the preceding section shall apply to any assignment made to the sheriff of the county in which the debtor resides or carries on business, or to another assignee with the consent of the creditors as hereinafter provided, for the purpose of paying ratably and proportionately and without preference

or

or priority all the creditors of the debtor their just debts; nor to any *bona fide* sale or payment made in the ordinary course of trade or calling to innocent purchasers or parties; nor to any payment of money to a creditor unless an assignment for the general benefit of creditors is made within one month after the payment, nor to any *bona fide* gift, conveyance, assignment, transfer or delivery over of any goods, securities or property of any kind, as above-mentioned, which is made in consideration of any present actual *bona fide* payment in money, or by way of security for any present actual *bona fide* advance of money, or which is made in consideration of any present actual *bona fide* sale or delivery of goods or other property; Provided that the money paid, or the goods or other property sold or delivered bear a fair and reasonable relative value to the consideration therefor.

(2) Nothing herein contained is to affect any Act respecting wages passed during the present session, or to prevent a debtor providing for payment of wages due by him in accordance with the provisions of any such Act.

(3) In case a payment of money is made to a creditor under the circumstances mentioned in the second section, and within one month before the execution of an assignment for the general benefit of creditors under this Act, the same shall be void as against the assignment, but not as against persons claiming in any other way.

(4) The debtor may in the first place with the consent of a majority of his creditors having claims of \$100 and upwards computed according to the provisions of section 18, make a general assignment for the benefit of his creditors, to some person other than the Sheriff.

4. Every assignment made under this Act, for the general benefit of creditors shall be valid and sufficient if it is in the words following, that is to say, all my personal property which may be seized and sold under execution and all my real estate, credits and effects, or if it is in words to the like effect; and an assignment so expressed shall vest in the assignee all the real and personal estate, rights, property, credits and effects, whether vested or contingent belonging at the time of the assignment to the assignor, except such as are by law exempt from seizure, or sale under execution, subject, however, as regards lands, to the provisions of the registry law as to the registration of the assignment.

Form of assignment for general benefit of creditors.

5. If any assignor or assignors executing an assignment under this Act for the general benefit of his or their creditors owes or owe, debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full.

How claims are to rank.



Appointment  
of assignee.

6. A majority in number and value of the creditors who have proved claims to the amount of \$100 or upwards, may at their discretion substitute for the sheriff a person residing in the county in which the debtor resided, or carried on business at the time of the assignment. An assignee may also be removed, and another assignee may be substituted, or an additional assignee may be appointed by a Judge of the High Court, or of the County Court where the assignment is registered.

Rights of  
assignee.

7. (1) Save as provided in the next sub-section the assignee shall have an exclusive right of suing for the rescission of agreements, deeds and instruments or other transactions made or entered into in fraud of creditors, or made or entered into in violation of the *Act respecting the fraudulent preference of creditors by persons in insolvent circumstances*, or of this Act.

(2) If at any time any creditor desires to cause any proceeding to be taken which, in his opinion, would be for the benefit of the estate, and the trustee under the authority of the creditors or inspectors, refuses or neglects to take such proceeding, after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorizing him to take such proceedings in the name of the trustee, but at his own expense and risk, upon such terms and conditions as to indemnity to the assignee, as the Judge may prescribe, and thereupon any benefit derived from such proceedings shall belong exclusively to the creditor instituting the same for his benefit, but if, before such order is granted, the assignee shall signify to the Judge, his readiness to institute such proceedings for the benefit of the creditors, the order shall prescribe the time within which he shall do so, and in that case the advantage derived from such proceeding, if instituted within such time, shall appertain to the estate.

Recovery of  
proceeds  
where pro-  
perty sold.

8. If the person to whom any such gift, conveyance, assignment, transfer, delivery or payment as in section 2 of this Act is mentioned has been made shall have sold or disposed of the property which was the subject of such gift, conveyance, assignment, transfer, delivery or payment, or any part thereof, the moneys or other proceeds realized therefor, may be seized or recovered in any actions under the last preceding sections as fully and effectually as the property if still remaining in the possession or control of such person could have been seized or recovered.

Assignments  
to take pre-  
cedence of  
judgments and  
executions.

9. An assignment for the general benefit of creditors under this Act shall take precedence of all judgments and of all executions not completely executed by payment.

Amendment  
of assignment  
by court.

10. No advantage shall be taken or gained by any creditor of any mistake, defect or imperfection in any assignment under

under this Act for the general benefit of creditors if the same can be amended or corrected, and if there be any mistake, defect or imperfection therein the same shall be amended by any Judge of the High Court of Justice, or of the County Court aforesaid, on application of any creditor of the assignor, or of the assignee, on such notice being given to other parties concerned as the judge shall think reasonable, and such amendment, when made, shall have relation back to the date of the said assignment.

11. The assignee shall receive such remuneration as shall be voted to him by the creditors at any meeting called for the purpose after the first dividend sheet has been prepared, or by the Inspectors, in case of the creditors failing to provide therefor, subject to the review of the County Court of the county in which the assignment is registered or the Judge thereof, if complained of by the assignee or any of the creditors. Remuneration of assignee.

12. (1) No assignment made for the general benefit of creditors under this Act shall be within the operation of the Revised Statutes of Ontario, chapter 119, intituled *An Act respecting Mortgages and Sales of Personal Property*; but a notice of the assignment shall, as soon as conveniently may be, be published in the *Ontario Gazette* and in one newspaper at the least, having a general circulation in the county in which the property assigned is situate; and the publication in each shall be continued therein for at least four times. Notice of assignment to be published.

(2) A counterpart or copy of every such assignment shall also within five days from the execution thereof be registered, (together with an affidavit of a witness thereto of the due execution of such assignment or of the due execution of the assignment of which the copy filed purports to be a copy), in the office of the clerk of the county court of the county or union of counties where the assignor, if a resident in Ontario, resides at the time of the execution thereof, or if he is not a resident then in the office of the clerk of the county court of the county or union of counties where the personal property so assigned is or where the principal part thereof (in case the same includes property in more counties than one) is at the time of the execution of the assignment; and such clerks shall file all such instruments presented to them respectively for that purpose, and shall endorse thereon the time of receiving the same in their respective offices, and the same shall be kept there for the inspection of all persons interested therein. The said clerks respectively shall number and enter such assignments, and be entitled to the same fees for services in the same manner as if such assignments had been registered under the *Act respecting Mortgages and Sales of Personal Property*. Assignment to be registered

13. (1) If the said notice is not published in the regular number of the *Ontario Gazette*, and of such newspaper as aforesaid, which Penalty for neglecting publication

which shall respectively be issued first after five days from the execution of the assignment by the assignor, or if the assignment is not registered as aforesaid within five days from the execution thereof, the assignor shall be liable to a penalty of twenty-five dollars for each and every day which shall pass after the issue of the number of the newspaper in which the notice should have appeared until the same shall have been published; and a like penalty for each and every day which shall pass after the expiration of five days from the execution of the assignment by the assignor until the same shall have been registered.

(2) The assignee is to be subject to a like penalty for each and every day which shall pass after the expiration of five days from the delivery of the assignment to him, or of five days after his assent thereto, the burden of proving the time of such delivery or assent being upon the assignee.

(3) Such penalties may be recovered summarily before a Judge of the High Court, or of the County Court of the county in which the assignment ought to be published or registered; one-half of the penalty shall go to the party suing, and the other half for the benefit of the estate of the assignor.

Compelling  
publication  
and  
registration.

**14.** In case the assignment be not registered, and notice thereof published, an application may be made by any one interested in the assignment to a Judge of the High Court, or of the County Court aforesaid, to compel the publication and registration thereof; and the judge shall make his order on that behalf, and with or without costs, or upon the payment of costs by such person as he may in his discretion direct to pay the same.

Assignment  
not invali-  
dated by  
omission to  
publish, etc.

**15.** The omission to publish or register as aforesaid, or any irregularity in the publication or registration, shall not invalidate the assignment.

Assignee to  
call meeting  
of creditors.

**16.** It shall be the duty of the assignee to immediately inform himself, by reference to the debtor and his records of account, of the names and residences of the debtor's creditors, and within five days from the date of assignment to convene a meeting of the creditors for the appointment of inspectors and the giving of directions with reference to the disposal of the estate, by mailing prepaid and registered to every creditor known to him, a circular calling a meeting of creditors to be held in his office or other convenient place to be named in the notices not later than twelve days after the mailing of such notice, and by advertisement in the *Ontario Gazette*; and all other meetings to be held shall be called in like manner.

Voting at  
meeting.

**17.** At any meeting of creditors the creditors may vote in person, or by proxy authorized in writing, but no creditor whose vote is disputed shall be entitled to vote until he has  
filed



filed with the assignee an affidavit in proof of his claim stating the amount and nature thereof.

**18.** (1) Subject to the provisions of section 6, all questions discussed at meetings of creditors shall be decided by the majority of votes, and for such purpose the votes of creditors shall be calculated as follows:

For every claim of over \$100, and not exceeding \$200	.. 1 vote.
“ “ \$200 “ “ \$500	.. 2 votes.
“ “ \$500 “ “ \$1000	.. 3 votes.
“ additional \$1,000, or fraction thereof	.... 1 vote.

(2) No person shall be entitled to vote on a claim acquired after the assignment unless the entire claim is acquired, but this shall not apply to persons acquiring notes, bills or other securities upon which they are liable.

(3) In case of a tie the assignee, or if there are two assignees, then the assignee appointed by the creditors, or by the Judge, if none has been appointed by the creditors, shall have a casting vote.

(4) Every creditor in his proof of claim shall state whether he holds any security for his claim or any part thereof; and if such security is on the estate of the debtor, or on the estate of a third party for whom such debtor is only secondarily liable, he shall put a specified value thereon and the assignee under the authority of the creditors may either consent to the right of the debtor to rank for the claim after deducting such valuation, or he may require from the creditor an assignment of the security at an advance of ten per cent. upon the specified value to be paid out of the estate as soon as the assignee has realized such security; and in such case the difference between the value at which the security is retained and the amount of the gross claim of the creditor shall be the amount for which he shall rank and vote in respect of the estate.

(5) If a creditor holds a claim based upon negotiable instruments upon which the debtor is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment, he shall be entitled to amend and revalue his claim.

**19.** (1) Every person claiming to be entitled to rank on the estate assigned shall furnish to the assignee particulars of his claim proved by affidavit and such vouchers as the nature of the case admits of.

(2) A person whose claim has not accrued due shall nevertheless be entitled to prove under the assignment and vote at meetings of creditors, but in ascertaining the amount of any such

such claim a deduction for interest shall be made for the time which has to run until the claim becomes due.

Set off.

20. The law of set-off shall apply to all claims made against the estate and also to all suits instituted by the assignee for the recovery of debts due to the assignor, in the same manner and to the same extent as if the assignor were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this or any other Act respecting frauds or fraudulent preferences.

Affidavits.

21. Any affidavit authorized, or required, under this Act may be sworn before any person authorized to administer affidavits in the High Court, or before a Justice of the Peace, or, if sworn out of Ontario, before a Notary Public.

Commencement of Act.

22. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation.

## CHAPTER 27.

### An Act respecting the Registering of Chattel Mortgages and Bills of Sale.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Registration where time limited expires on a day on which offices are closed.

1. Where, under any of the provisions either of The Revised Statute respecting *Mortgages and Sales of Personal Property*, chapter 119, or of *The Mortgages and Sales of Personal Property Amendment Act, 1880*, or of the Act passed in the forty-fourth year of the reign of Her Majesty chaptered 12, and intituled, *An Act to further amend the Revised Statute respecting Mortgages and Sales of Personal Property*, the time for registering or filing any mortgage, bill of sale, instrument, document, affidavit or other paper expires on a Sunday or other day on which the office in which such registering or filing is to be made or done is closed, and by reason thereof such filing or registering cannot be made or done on that day, such registering or filing shall, so far as regards the time of doing or making the same, be held to be duly done or made if done or made on the day on which such office shall next be open.

2. (1) Where conveyances and mortgages of personal property are filed with the Clerk of a Division Court, the said Clerk shall, for services under the said Revised Statute *respecting Mortgages and Sales of Personal Property*, and the Acts amending the same, be entitled to the same fees as are now, or may be hereafter provided for the Clerks of County Courts for the like services.

Fees to  
Division Court  
Clerks.

(2) This section shall be deemed to have been in force on and from the second day of March, 1877.

3. This Act may be cited and known as *The Chattel Mortgage Registration Act, 1885*.

Short title.

## CHAPTER 28.

An Act to amend the Act to secure to Wives and Children the benefit of Life Insurance.

[Assented to 30th March, 1885.]

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of the Act passed in the forty-seventh year of Her Majesty's reign, chaptered 20, and intituled, *An Act to secure to Wives and Children the benefit of Life Insurance*, is hereby amended by adding thereto the following proviso, and such section shall be read as if such proviso had formed a part of such section from the time of the passing thereof:

47 V. c. 20,  
s. 7, amended.  
Surrender or  
assignment of  
policy.

"Provided always that any such policy may be surrendered or assigned,

(a) Where the policy is for the benefit of children only, and the children surviving are all of the full age of twenty-one years, if the person insured and all such surviving children agree to so surrender or assign; or

(b) Where the policy is for the benefit of both a wife and children, and the surviving children are all of the full age of twenty-one years, if the person insured, and his then wife (if any) and all such surviving children agree to so surrender or assign; or

(c) Where the policy is for the benefit of a wife only, or of a wife and children, and there are no children living, if the person insured and his then wife agree to so surrender or assign.



Who deemed  
person entitled  
to benefit of  
policy for  
purpose of  
47 V., c. 20,  
s. 23.

2. Where the declaration endorsed upon or attached to any policy of insurance to which the said Act applies, whether such declaration has heretofore been or shall hereafter be made, provides that the policy shall be for the benefit of a person, and in the event of the death of such person for the benefit of another person, such first mentioned person shall, if living, be for the purposes of section 23 of the said Act, deemed the person entitled to be benefited under such policy.

47 V., c. 20,  
s. 15, amended.

3. Section 15 of the said Act is hereby amended by adding the following thereto as sub-sections 2 and 3 :

(2) If the company does not within four months from the time the claim is admitted, either pay the same to some person competent to receive the money under this Act, or pay the same into the High Court, the said Court may upon application made by some one competent to receive the said money, or by some other person, on behalf of the infant, order the insurance money, or any part thereof, to be paid to any trustee, executor or guardian competent to receive the same, or to be paid into Court to be dealt with as the Court may direct, and any such payment shall be a good discharge to the company.

(3) The Court may order the costs of the application, and any costs incidental to establishing the authority of the party applying for the order, to be paid out of such moneys, or by the company, or otherwise, as may seem just, and the Court may also order the costs of, and incidental to, obtaining out of Court moneys voluntarily paid in by a company, to be paid out of such moneys.

Application of  
47 V., c. 20,  
ss. 12, 15 and  
19.

4. The provisions of sections 12, 15 and 19 of the said Act shall extend, and are hereby declared to have been intended to extend, and apply to cases where the insured died before the passing of the said Act, as well as to cases arising subsequent thereto, and the amendments of the said sections made by this Act shall likewise apply to all such cases.

47 V., c. 20,  
ss. 8 and 9,  
amended.

5. Sections 8 and 9 of the said Act are hereby amended by the insertion of the word three immediately after the figure 2 in the first line of each of such sections.

Application of  
47 V., c. 20.

6. The provisions of the said Act are hereby declared to extend to contracts of insurance mentioned in the first section thereof, where any declaration endorsed thereon or attached thereto, though made before the passing of the Act would, if made after the passing thereof, have been or be within the operation and provisions of the said Act.

## CHAPTER 29

## An Act respecting Wages.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever an assignment is made of any real or personal property for the general benefit of creditors, the assignee shall pay in priority to the claims of the ordinary or general creditors of the person making the same, the wages or salary of all persons in the employment of such person at the time of the making of such assignment, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors for the residue, if any, of their claims.

Wages or salaries to have priority in assignments for benefit of creditors.

2. In distributing the assets of a company under the provisions of *The Joint Stock Companies' Winding up Act*, the liquidator shall pay in priority to the claims of the ordinary or general creditors of the company the wages or salary of all persons in the employment of the company at the time of the making of the winding-up order, or within one month before the making thereof, not exceeding three months' wages or salary, and such persons shall be entitled to rank as ordinary or general creditors of the company for the residue, if any, of their claims.

Wages or salaries to have priority in winding up proceedings under 41 V. c. 5.

3. All persons in the employment of an execution debtor at the time of the entry of the notice mentioned in section five of *The Creditors' Relief Act, 1880*, or within one month before such entry, who shall become entitled to share in the distribution of money levied out of the property of a debtor within the meaning of the said Act, shall be entitled to be paid out of such money the wages or salary due to them by the execution debtor, not exceeding three months' wages or salary, in priority to the claims of the other creditors of the execution debtor, and shall be entitled to share *pro rata* with such other creditors as to the residue, if any, of their claims.

Rights of employers of execution debtors.

4. This Act shall apply to wages or salary whether the employment in respect of which the same shall be payable, be, by the day, by the week, by the job or piece or otherwise.

Wages or salary affected by this Act.

5. This Act is not intended to apply to an assignment made under the provisions of any Act of the Parliament of Canada relating to or respecting Bankruptcy or Insolvency.

Application of Act.

## CHAPTER 30.

## An Act to amend the Act respecting Barristers-at-Law.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O., c.  
139, s. 1, sub-s.  
3, repealed.

1. Section 1 of chapter 139 of the Revised Statutes of Ontario, is hereby amended by striking out sub-section 3, and substituting the following:—

Admission of  
English and  
other  
barristers.

(3) Any person who has been duly called to the Bar of England, Scotland or Ireland (excluding the Bar of Courts of merely local jurisdiction)—when the Inn of Court or other authority having power to call or admit to the Bar by which such person was called or admitted, extends the same privilege to Barristers from Ontario—on producing sufficient evidence of such call or admission and testimonials of good character and conduct to the satisfaction of the Law Society.

Rights not  
affected.

2. This Act shall not affect any question as to the right of any person who, having been called as aforesaid, has before the passing of this Act claimed to be admitted to practise at the Bar in the Courts of this Province.

## CHAPTER 31.

## An Act respecting the Study of Anatomy.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O. c. 143  
repealed.

1. The *Act respecting the Study of Anatomy*, chapter 143 of the Revised Statutes, is hereby repealed.

Certain bodies  
may be  
delivered for  
study of  
anatomy.

2. In all localities coming under the provisions of this Act, the body of any person found dead, publicly exposed, or sent to a public morgue, or who immediately before death had been supported in and by any public institution, shall be delivered to persons qualified as hereinafter mentioned, unless such body be within forty-eight hours after death claimed by relations

or



or *bona fide* friends, or being a lunatic, dies in any Provincial Asylum for the insane; provided nevertheless, that the authorities in whose care any body may be, shall not deliver the same to any person other than a known relative unless such person shall pay to the said authorities the sum of five dollars to defray the funeral expenses of the body so claimed, the said sum to be paid over to the undertaker by the said authorities when satisfied that the body has been properly interred. Proviso.

3. Any medical school obtaining any body as provided by section 2 of this Act, shall keep and preserve the same for a period of not less than five days, and in the event of any relative or *bona fide* friend claiming such body within a period of five days from the receipt thereof by such medical school, the said medical school shall deliver over such body to the said relative or *bona fide* friend upon the receipt of the reasonable costs and charges for preserving and keeping the same, not to exceed the sum of ten dollars. Body delivered to medical school may be claimed by friends.

4. The persons qualified to receive such unclaimed bodies shall be teachers of anatomy or surgery in recognized medical schools; and if there be any medical school in the locality, such school shall have a preferable claim to the body. To whom such bodies shall be delivered.

5. The Lieutenant-Governor may appoint, during pleasure, a person not being a medical practitioner, nor connected with any school of medicine, to be Inspector of Anatomy for such part of the Province, or for such city, town or other locality therein as may be named in the appointment. Appointment of Inspector of Anatomy.

6. It shall be the duty of every Inspector of Anatomy— Duties of Inspector.

(1) To keep a register of the name, age, sex, birth place and religious denomination, if any, of each unclaimed body received by him, and the name of the school to which delivered, with date of delivery.

(2) To keep a register of medical schools duly qualified to receive and desirous of receiving bodies for instruction of pupils.

(3) To distribute all bodies, in rotation, to such schools in proportion to the number of persons actually engaged in the study of human anatomy in each school, as shewn by their official registers, which he shall be allowed to inspect.

(4) To inspect the several authorized practical anatomy rooms in his locality at least once in every six weeks, and to direct the removal and decent interment of any remains that he deems it advisable to have interred.

(5) To keep his registers open for the inspection of any medical practitioner who may desire to inspect them.

Distribution to different medical schools in same city.

7. When more than one medical school situated in the same city shall have made application for bodies, every Inspector upon sending a body to either school shall notify the Inspector of the city in which such school is situated, and the Inspector for such city in distributing the bodies he receives from his own district shall have regard to the number of bodies each school has received from other Inspectors outside, and if necessary direct them from time to time to which school they shall send bodies, so that each school shall receive from all sources in proportion to the number of persons actually engaged in the study of human anatomy in each school.

Coroner to give notice to Inspector of bodies found exposed.

8. Every coroner, whether he does or does not hold an inquest on any body found publicly exposed, to which his attention has been called, and which is not claimed in accordance with section 2 of this Act, shall give notice to the Inspector of Anatomy of the locality, if there be one, failing which, he shall cause the body to be interred as has been customary.

Notice to be given to Inspector by person in charge of morgue.

9. The person in charge of a public morgue shall, when a body is placed in it of a person not known to have any relatives or friends entitled to claim the body, give notice of such unclaimed body to the Inspector of Anatomy for the locality.

Notice to be given to Inspector by Mayor of city or town.

10. The Mayor of any city or town coming under the provisions of this Act shall direct notice to be given to the Inspector of Anatomy of any adult body that is brought under his notice which is unclaimed by relatives or friends, as set forth in section 2 of this Act.

Notice to be given to Inspector by superintendents of public institutions.

11. The superintendent of every public institution shall, upon the death of any inmate of the institution who is not known to have any relatives or friends entitled to claim the body, immediately give notice of such death to the Inspector of Anatomy for the locality.

Register to be kept by superintendent.

12. Each such superintendent shall keep a register shewing the name, age, sex, birth-place and religious denomination of each person whose body is disposed of under the provisions of this Act, and the school to which such body is delivered, and shall file all documents furnished by persons claiming bodies, which register and file shall be open for inspection; and no such superintendent shall deliver any body to a medical school except on the written order of the Inspector of Anatomy for the locality.

Fees of Inspector.

13. The Inspector of Anatomy shall receive five dollars for every body delivered under the provisions of this Act, which sum shall be paid to him by the school on delivery of the body.

14. Any medical school wishing to avail itself of the benefits of this Act shall appear through its official head, before one of Her Majesty's Justices of the Peace and the Inspector of Anatomy, and give security in the sum of eighty dollars, with two good and sufficient sureties in the sum of forty dollars each, for the decent interment of the bodies after they have served the purposes required; and upon the due fulfilment of these conditions, the Inspector of Anatomy shall deliver to such school a written authority to open a practical anatomy room entitled to the benefits of this Act.

15. Any Inspector of Anatomy, warden of a public institution, medical practitioner, coroner or other official who neglects to discharge the duties required of him by this Act or infringes any of its provisions, shall be liable to a fine of not more than twenty dollars for every such offence.

16. No person shall send or take a body out of the Province of Ontario for surgical or practical anatomy purposes, and every person contravening the provisions of this section shall for each offence incur a penalty of one hundred dollars, notwithstanding the provisions of section 15 of this Act.

17. Every penalty imposed by this Act may be recovered with costs on summary conviction before any two Justices of the Peace or a Police Magistrate.

## CHAPTER 32.

### An Act to amend the Ontario Joint Stock Companies' Letters Patent Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of the Act passed in the forty-fourth year of Her Majesty's Reign, chaptered 18, is hereby amended by adding thereto the following words, "except in cases where the Lieutenant-Governor in Council otherwise directs."

2. When the name of some locality in the Province of Ontario constitutes part of the name of any Company heretofore incorporated under the *Ontario Joint Stock Companies' Letters Patent Act*, such Company may apply to the Lieutenant-Governor in Council to amend their name by striking out the name



name of such locality, and such amendment may be made in all cases where the name of such locality does not form an essential part of the name of such Company; and upon notice by the Provincial Secretary in the *Ontario Gazette* of such amendment, the name of the Company shall be changed as thereby directed, and such Company under such amended name shall have and continue to have and possess all the rights, powers, property and franchises, and be subject to all the liabilities of the Company so incorporated.

R. S. O., c.  
150, s. 25, s.s.  
2, amended.

3. Sub-section 2 of section 25 of chapter 150 of the Revised Statutes of Ontario is hereby amended by adding thereto the following, "and also either by publishing the same in the *Ontario Gazette* or by mailing the same as a registered letter, duly addressed to each shareholder at least ten days previous to such meeting:" Provided, however, that this section shall not apply to companies having a capital not exceeding three thousand dollars.

Proviso.

## CHAPTER 33.

### An Act to amend the Acts respecting Joint Stock Companies.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Application of  
Act.

1. Unless the special or general Act by or under which the company is incorporated expressly provides otherwise, the following sections shall apply to all joint stock companies incorporated by the Legislature of the Province, or under its authority, and to all such companies incorporated prior to the first day of July, 1867, whose incorporation is subject, in the particulars hereinafter mentioned, to the legislative authority of this Province.

Liability of  
shareholders.

2. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part; and the amount due on such execution, but not beyond the amount so unpaid of his said stock, shall be the amount recoverable with costs against such shareholder.

3. Any shareholder may plead, by way of defence in whole or in part, any set off which he could set up against the company, except a claim for unpaid dividends, or a salary or allowance as a president or a director of the said company.

4. No transfer of stock, unless made by rule under execution or under the decree, order or judgment of some competent court in that behalf, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and, as rendering the transferee liable *ad interim* jointly and severally with the transferor to the company and its creditors, until entry thereof has been duly made in the books of the company.

Effect of transfer of stock on rights of parties.

5. No person holding stock in the company as executor, administrator, guardian or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate, or the minor, ward, or person interested in the trust fund would be, if living and competent to act, and holding such stock in his own name.

Liability of trustees.

6. No person holding stock in such company as collateral security shall be personally subject to liability as a shareholder, but the person pledging such stock as such collateral security shall be considered as holding the same, and shall be liable as a shareholder in respect thereof.

Liability in respect of stock held as collateral security.

7. This Act shall not apply to any action, matter or proceeding pending at the time of the passing of this Act.

Pending proceedings not affected.

8. The shareholders of the company shall not as such be held responsible for any act, default, or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the company, beyond the unpaid amount of their respective shares in the capital stock thereof.

Shareholders not liable beyond amount of their stock.

## CHAPTER 34.

An Act to amend the Revised Statute respecting Joint Stock Companies for the erection of Exhibition Buildings.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Section 2 of chapter 155 of The Revised Statutes of Ontario is hereby amended by inserting immediately before the words "at full length," where they occur in said section, the words "or an original duplicate thereof."

R. S. O., c. 155, s. 2 amended.

Registration  
of instruments  
under s. 2.

2. It is hereby declared that any instrument within the meaning of said section 2 of said Act shall be deemed to have been registered in accordance with and as required by the provisions of said section if instead of the original instrument there has prior to the passing of this Act, been filed and registered with the proper Registrar designated by said section, a true copy of said instrument, verified and authenticated as such by a statutory declaration of any person who may have compared said copy with the original.

Sec. 4  
amended.

3. The following shall be added to section 4 of said Act, as sub-section 2 of said section :—

Election of  
directors.

(2) In case no election of directors shall have taken place as provided for in the preceding sub-section, the directors then last chosen shall hold office until new directors are elected ; and in such case the President, shall on the written request of any three of the stockholders upon whose stock all the calls have been paid, call a special meeting for the election of directors by mailing, with the postage thereon prepaid, to each stockholder a written or printed notice of such meeting to be held not sooner than ten days or later than fifteen days from the mailing of such notices ; and in case of the default or refusal of the President to call said meeting, for five days after such written demand on him, then the said stockholders so demanding shall have the power to call such meeting in the same manner as the same would have been called by the President and the election of directors thereat shall be as valid as if the same had been made pursuant to the provisions of the preceding sub-section.

## CHAPTER 35.

### An Act to amend the Act respecting Mutual Fire Insurance Companies.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

R. S. O. c. 161,  
s. 71, amended.

Suits on  
premium notes  
in Division  
Courts, where  
brought.

1. Section 71 of *The Act respecting Mutual Fire Insurance Companies*, chapter 161 of the Revised Statutes, is hereby amended by adding thereto the words following: "Provided always, that the provisions of this section shall not apply to nor include any such premium note or undertaking made or entered into after the first day of July, 1885, nor any sum assessed



assessed thereon, unless within the body of such note or undertaking or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a colour different from any other in or on such note the words following: 'any action which may be brought or commenced in a Division Court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate.'"

## CHAPTER 36.

### An Act to Regulate the Election of Directors of Mutual Fire Insurance Companies.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. (1) In all Mutual Fire Insurance Companies the Board of Directors shall on, from and after the next ensuing election thereof, consist of six, nine, twelve or fifteen Directors, as shall be determined by resolution passed at the next ensuing annual meeting or at a special general meeting of the company called for the purpose of such determination and election. Number of directors to be determined by resolution.

(2) The number of Directors constituting such Board may thereafter from time to time be increased or decreased, and if so decided by and at any special general meeting of the company called for the purpose, or at any such annual meeting if notice in writing of the intention to move for that purpose at such annual meeting be given to the Secretary of the company at least one month before the holding of such meeting; but such increased or decreased number of Directors shall in any such case be either six, nine, twelve or fifteen as aforesaid.

2. A copy of the resolution specified in section 1, together with a list of the Directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Inspector of Insurance and also in the registry office nearest to the head office of the company. Copy of resolution and list of directors to be filed.

3. Of the directors elected as hereinbefore provided one-third shall retire annually in rotation, and at the first meeting of the said Retirement of directors in rotation.

said Directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and such determination shall be entered of record as part of the minutes of said first meeting.

Annual election to fill vacancies.

4. At each annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election.

Filling vacancies occurring prior to annual meeting.

5. Vacancies occurring in the board of directors may be filled as prescribed in section 20 of chapter 161 of the Revised Statutes of Ontario, but directors so elected shall only hold office until the next annual meeting, when the said vacancies shall be filled for the portion of the term still unexpired.

Right of applicants to vote.

6. No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the Board of Directors.

## CHAPTER 37.

An Act to authorize payment of money in lieu of  
Railway Aid Certificates in certain cases.

[Assented to 30th March, 1885.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Payment in cash in lieu of Railway Aid Certificates authorized.

1. Where, under the provisions of any statute, or Order in Council, which has been ratified by the Legislative Assembly, a railway company is entitled to receive Railway Aid Certificates, the Lieutenant-Governor in Council, instead of directing the issue of Certificates, may direct the payment to the company of the equivalent in cash according to the rates and proportion provided for by the Act passed in the forty-second year of Her Majesty's reign, chaptered twenty-eight, entitled *An Act to authorize the issuing of scrip for railway grants in certain cases*.

Funds from which payments are to be made.

2. Such payment may be made, either out of the Consolidated Revenue Fund, or out of the proceeds of the sale of annuities granted under the provisions of the Act passed in the forty-seventh year of Her Majesty's reign, entitled *An Act to authorize the substitution of terminable annuities for Railway Aid Certificates*.

CHAPTER

## CHAPTER 38.

An Act respecting the Expropriation of Land for  
Public Cemeteries.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The council of any city, town, township or incorporated village may pass a by-law for the acquiring and expropriation of lands to be used for enlarging any existing Public Cemetery or Burying Ground, but no expropriation of any land within the limits of a city shall be authorized, and as to any such enlargement in a village or town the consent of the Provincial Board of Health shall be first obtained.

Councils may pass by-laws for taking lands.

2. (1) In case the owner of the land required refuses to sell the same, or refuses to take the price the council of the municipality is willing to pay, then in either of such cases the matter in dispute shall be referred to arbitration, and shall be proceeded with under the provisions of *The Consolidated Municipal Act, 1883*, respecting arbitrations, as to compensation for lands taken.

If parties do not agree Arbitrators to decide.

(2) The arbitrators shall decide whether it is necessary in the public interests that the lands should be expropriated for the aforesaid purposes or any of them, and if so decided they shall award as to the price to be paid to the owner of said lands, but the costs shall be in the discretion of the arbitrators.

(3) If the arbitrators award that the lands shall be taken for such Cemetery, or Burying Ground, one copy of said award shall be deposited with the Registrar of the county or city, as the case may be, in which the lands are situate, and shall be a valid title to the said lands.

3. No lands used as an orchard, pleasure ground or garden, nor any lands within two hundred yards of any dwelling-house, shall be expropriated without the consent of the owner or owners of such dwelling-house.

Certain lands not to be taken except with consent of owner.

4. The award shall be in writing and the boundaries of the lands or premises taken shall be fully described therein.

Boundaries to be described in award.

5. All the provisions of sub-sections 8, 9 and 10 of section 46 V. c. 18, s. 490 of *The Consolidated Municipal Act, 1883*, shall, as far as applicable, apply to the lands acquired under this Act.

490, sub-ss 8 10 to apply.



Powers of  
Companies  
and Trustees.

6. (1) Incorporated Cemetery Companies and Trustees of Cemeteries or Burying Grounds shall have all the rights and powers by this Act conferred upon the councils of cities, towns and incorporated villages, subject to the following provisions :—

In case additional land is required for the enlargement of a burial ground if the council of the municipality in which the land is situated shall, by by-law, declare that in the opinion of the council the company or trustees aforesaid should, for the purpose aforesaid, have power to expropriate the adjacent land in the by-law set forth, and if the Judge of the County Court of the county shall certify that in his opinion the proposed enlargement is for the public advantage and convenience, the company or trustees aforesaid, upon registering the by-law and certificate in the proper registry office, shall in respect of the land in the by-law set forth, possess the powers conferred by this Act upon the councils of cities, towns and incorporated villages.

(2) Where the Cemetery Company or trustees desire to take proceedings under this Act their proceedings may be initiated by resolution instead of by by-law as provided in the case of municipalities.

## CHAPTER 39.

### The Municipal Amendment Act, 1885.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Mode of  
citation.

1. This Act may be known and cited as *The Municipal Amendment Act, 1885*.

46 V. c. 18,  
s. 56, repealed.

2. Section 56 of *The Consolidated Municipal Act, 1883*, is hereby repealed and the following substituted therefor:

Adjustment of  
debts when  
limits ex-  
tended.

56. After an addition has been made to a village, town or city by the annexation of any adjoining village or town, or adjoining portion of a township, the city, town or village whose limits shall have been so extended, shall pay to the township or county from which the additional territory has been taken, such part, if any, of the debts of the township or county as may be just, and shall be entitled to receive from and be paid by the township or county the value of the interest which the added territory had at the time of making such addition in  
the

the property and assets of the township or county, and in case the councils do not, within three months after the first meeting of the council of the municipality to which the addition has been made, agree as to the sum to be paid or received as aforesaid, or as to the time of payment, the matter shall be settled by arbitration under this Act.

**3.** Sub-section 1 of section 73 of the said Act is hereby repealed, and the following substituted therefor: Sec. 73, sub-s. 1, amended.

(1) In incorporated villages—freehold to \$400 or leasehold to \$800.

**4.** The last paragraph of said section 73 of the said Act is hereby repealed, and the following substituted therefor: Sec. 73, repealed in part.

“But if within any township or incorporated village any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said township or incorporated village, he will be entitled to be elected as Reeve, Deputy Reeve, or Councillor of said township or incorporated village if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for this purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold.”

**5.** The said Act is hereby further amended by adding the following section thereto:

110a. Where a township is so situated that the territory of such township adjoins the limits of any city, town, or incorporated village, such city, town, or village may be designated by by-law as the place of meeting for the nomination of candidates for the offices of reeves, deputy-reeves, and councillors, as the case may be, under and in accordance with the provisions of sections 109 and 110 of this Act. Place of meeting for nomination of Reeves, etc.

**6.** The said Act is hereby further amended by adding the following section thereto:

180a. In case the office of Mayor of a city or town becomes vacant after the first day of December in any year, and an election to fill the vacancy has not been ordered by the court or a judge, the council may either direct that an election be held to fill the vacancy, or may elect one of their number to fill the office during the residue of the term. Election of Mayor on vacancy.

**7.** Section 183 of the said Act is hereby repealed, and the following substituted therefor: 46 V. c. 18, s. 183, repealed.

183. The returning officers and deputy returning officers shall hold the new election at furthest within fifteen days after receiving the warrant, and the clerk shall appoint a day and place Time for holding new election.

place for the nomination of candidates, and the election shall, in respect to notices and other matters, be conducted in the same manner as the annual elections.

Sec. 267,  
amended.

8. Section 267 of the said Act is hereby amended by striking out the word "as" where it occurs in the sixth line of the said section immediately after the word "quarterly," and substituting the word "if" therefor.

Sec. 398 (47 V  
c. 32, s. 8),  
amended.

9. Section 398 of the said Act is amended by adding thereto the following sub-section:

(2) But nothing in this section contained shall prevent the appointment of or disqualify as an arbitrator any person by reason merely that such person is a ratepayer of or within any municipality concerned or interested in the arbitration. This sub-section shall apply to arbitrations now pending or in progress as well as to future arbitrations; but shall not apply to any arbitration respecting or relating to drainage under the provisions of this Act, or *The Ontario Drainage Act*, or any amendment thereof.

Reduction of  
salary of  
Police  
Magistrate in  
towns with  
less than 5,000  
inhabitants.

10. The Council of a town with a population of less than 5,000 in which a salaried Police Magistrate has been appointed may, by the vote of two-thirds of all the members of said Council, pass a by-law to reduce the salary of such Police Magistrate to a sum less than that fixed by the Council in the first instance, and may name a sum in such by-law at which the Council desires the salary thereafter to be fixed. Upon being furnished with a duly certified copy of such by-law and with satisfactory proof that the same was passed by a two-thirds vote of all the members of the Council, and after notice to the Magistrate, the Lieutenant-Governor in Council may fix such salary to be paid after a date to be named in the Order, either at the sum named in the by-law or at such other sum not exceeding the sum fixed in the first instance as to the Lieutenant-Governor in Council may seem meet and proper in view of all the circumstances of the case. The sum so fixed by the Order in Council shall thereafter be paid as the salary of the Police Magistrate in lieu of that fixed in the first instance as aforesaid.

46 V. c. 18, s.  
465, amended

11. Section 465 of the said Act is hereby amended by adding after the word "courts" in the ninth line thereof the words "and for the Library of the Law Association of the County (such last mentioned accommodation to be provided in the Court House)."

Sec. 469  
amended.

12. Section 469 of the said Act is hereby amended by striking out the words, "and shall provide" in the tenth line thereof and substituting therefor the words, "and of providing," and by adding after the word "courts" in the ninth line thereof the words "and for the Library of the Law Association of the County."



**13.** Section 465 of the said Act is hereby amended by adding thereto the words, "and officers of the Maritime Court of Ontario"; but this amendment shall not apply to the County of York. Sec. 465 amended

**14.** The powers conferred by sub-sections 14 and 17 of section 490 of the said Act may hereafter be exercised by County Councils in respect of fences along highways or parts thereof which it is their duty to maintain. Powers of County Councils to regulate fences.

**15.** Sub-section 4 of section 495 of the said Act is hereby amended by adding thereto the following after the words "the Lieutenant-Governor in Council," occurring in the fifth line thereof, "but the powers by this section conferred on County Councils shall not extend to a ferry between any two places within the same township." 46 V. c. 18, s. 495, sub-s. 4, amended.

**16.** Section 521 of the said Act is hereby amended by adding thereto the following sub-section : Sec 521 amended.

(12) For licensing and regulating ferries between any two places within the township with the same rights and powers in respect thereof, and as to establishing rates as are conferred upon County Councils by sub-section 4 of section 495 of this Act, and upon the same terms and conditions as are provided by said sub-section 4. But this amendment shall not apply to any ferry for which a license has been granted and is now running until the expiry of such license. Powers of townships as to ferries.

**17.** Sub-section 31 of section 496 of the said Act is hereby amended by adding the following clause thereto : Sec. 496, sub-s. 31, amended.

(a) The council may, in the by-law passed for the purposes of this sub-section, define certain areas or streets within the municipality, within or upon which the by-law shall be operative.

**18.** Sub-section 36 of said section 496 is hereby amended by inserting after the word "effect" in the sixth line thereof the words "unless passed by a vote in favour thereof of at least three-fourths of the whole Council, nor" Sec. 496, sub-s. 36, amended.

**19.** The said section 496 is hereby amended by adding the following sub-section thereto : Sec. 496, sub-s. 45, amended.

(45 b) For prohibiting or regulating the practice of coasting or tobogganing on the public streets.

**20.** Section 521 of the said Act is hereby amended by adding thereto the following sub-sections : Sec. 521 amended.

(6a.) For providing for the making and keeping open of township roads during the season of sleighing in each year, and for appointing overseers of highways, or pathmasters to perform

perform that duty, and such overseers and pathmasters shall have full power to call out persons liable to perform statute labour within their respective municipalities, to assist in keeping open such roads, and may give to such persons as may be employed in so doing certificates of having performed statute labour to the amount of the days' work done, and such work shall be allowed for to such persons in their next season's statute labour.

(6b.) For providing for the application of so much of the commutation of the statute labour fund as may be necessary for keeping open such roads as last aforesaid, within such respective municipalities.

(6c.) No stone, gravel or other material shall be put upon the roads for repairs during the winter months so as to interfere with sleighing.

Sec. 531,  
sub-s. 3  
(47 V., c. 32,  
s. 17)  
amended.

**21.** Sub-section 3 of section 531 of the said Act, added thereto by section 17, of *The Municipal Amendment Act, 1884*, is hereby amended by striking out the following words after the word "municipality" in the sixth and seventh lines "that has been constructed under *The General Road Companies' Act*."

Sec. 535  
repealed.  
Bridges  
between  
municipalities

**22.** Section 535 of the said Act is hereby repealed and the following substituted therefor :

535. (1) It shall be the duty of County Councils to erect and maintain bridges over rivers forming or crossing boundary lines between two municipalities (other than in the case of a city or separated town) within the county ; and in case of a bridge over a river forming or crossing a boundary line between two or more counties or a county, city or separated town, such bridge shall be erected and maintained by the councils of the counties or county, city and separated town respectively ; and in case the councils fail to agree as to the respective portions of the expense to be borne by the municipalities interested, it shall be the duty of each to appoint arbitrators as provided by this Act, to determine the proportionate amount to be paid by each, and the award made shall be final.

(2) A road which lies wholly or partly between two municipalities shall be regarded as a boundary line within the meaning of this section, although such road may deviate so that it is in some place or places wholly within one of such municipalities, and a bridge built over a river crossing such road where it deviates as aforesaid shall be held to be a bridge over a river crossing a boundary line within the meaning of this section.

Sec. 550,  
sub-s. 8,  
repealed.

**23.** Sub-section 8 of section 550 of the said Act is hereby repealed, and the following substituted therefor :

(8)

(8.) For searching for and taking such timber, gravel, stone, Power to take materials for roads. or other material or materials (within the municipality) as may be necessary for keeping in repair any road or highway within the municipality; and for the purpose aforesaid with the consent of the council of an adjoining municipality (by resolution expressed), for searching for and taking gravel within the limits of such adjoining municipality; and the right of entry upon such lands, as well as the price or damage to be paid to any person for such timber or materials, shall, if not agreed upon by the parties concerned, be settled by arbitration under the provisions of this Act.

(a) But no such gravel shall be taken or removed from the premises of any person in an adjoining municipality until the price or damage has been agreed upon between the parties, or settled by arbitration.

**24.** Section 565 of the said Act is hereby amended by adding thereto the following sub-section: Sec. 565 amended.

(7) For abandoning or otherwise disposing of the whole or Disposing of roads. any portion of a toll road owned by a county, whether situated wholly within the county or partly within the county and partly within an adjoining county or counties, and on the passing of any such by-law the clerk shall forthwith forward a certified copy thereof to the local municipality or municipalities through or along which any portion of said abandoned road shall run or border upon.

**25.** Section 570 of the said Act is hereby amended by adding the following sub-section thereto:— Sec. 570 amended.

(17) In order the better to maintain and operate works Appointment of commissioners to carry out drainage works. constructed under the provisions of sub-section 8 of this section, the council may pass by-laws appointing one or more commissioners from among those whose lands are assessed for the construction of such works, and the commissioners so appointed shall have full power to enter into all such necessary and proper contracts for the purchase of fuel, repairs of buildings and machinery, and may do all other things necessary to facilitate the successful operation of such works as may be set forth in the by-law appointing such commissioners.

**26.** (1) The provisions of sections 584, 587 and 589 of the said Application of ss. 584, 587 and 589. Act shall apply to drains constructed under the provisions of *The Ontario Drainage Act*, (33 V. c. 2,) and amendments thereto, or of *The Ontario Drainage Act, 1873*, or of the *Revised Statute respecting the expenditure of Public Money for Drainage Works*, as well as to the works to which the said sections now apply, the word "assessors" being substituted as to such drains for the word "engineer" in the third line of said section 584.

(2) The deepening or widening of a drain in order to enable it to carry off the water it was originally designed to carry off, shall



shall be deemed to be a work of preservation, maintenance or keeping in repair within the meaning of said sections 584 and 587.

Sec. 586  
amended.

**27.** Section 586 of the said Act as heretofore amended is hereby further amended by adding thereto after the word "provisions" in the second line thereof, the words "of *The Ontario Drainage Act* (33 V. c. 2), and amendments thereto. or."

Sec. 593 re-  
pealed.

**28.** Section 593 of the said Act is hereby repealed, and the following substituted therefor :

Carrying  
drains into  
adjoining lots  
or across  
highways.

**593.** In case any person finds it necessary to continue an underdrain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the Council of the Municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet, through such adjoining lot or lots, or across or along such highway ; and in case of any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or municipality the same shall be determined under the provisions of and in the same manner as is provided for the determination of similar disputes by *The Ditches and Water Courses Act, 1883*, and the amendments thereto.

Sec. 612  
amended.

**29.** Section 612 of the said Act is hereby amended by adding the following sub-section thereto :

Lands bene-  
fited to be  
charged with  
proportion  
of cost of cer-  
tain local im-  
provements.

(10) If the contemplated works or improvements relate to any stream, creek or watercourse, or to draining any locality, and in the opinion of the engineer or surveyor benefit any lands lying within the municipality, or any road or roads lying therein, then the engineer or surveyor aforesaid shall charge the lands to be so benefited, and the corporation, person or company whose road or roads are improved, with such proportion of the costs of the work or improvement as he may deem just ; and the amount so charged for roads or agreed upon by arbitration shall be paid out of the general funds of the municipality or company, and the provisions of this Act relating to drainage, so far as applicable, shall apply to any such work or improvement constructed under this section.

Sec. 620  
amended.

**30.** Section 620 of the said Act is hereby amended by adding thereto the following sub-section :

Repairing and  
cleaning  
streets.

(3) Notwithstanding anything contained in sub-section 3 of section 612, after such a by-law has been passed in manner aforesaid, the council may pass a by-law or by-laws dividing the municipality into certain areas, districts or sections within which the streets or parts of streets may be maintained, repaired, cleaned, cleared of snow and ice, watered, swept, lighted and the grass therein cut and trees therein trimmed, and may impose

impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in maintaining, repairing, cleaning, clearing of snow and ice, watering, sweeping and lighting such streets or parts of streets, and cutting grass and trimming trees therein, or for any one or more of such services.

**31.** Section 624 of the said Act is hereby amended by adding thereto the following sub-section : Sec. 624  
amended.

(3) And the said council may also include in either of the foregoing by-laws, the cutting of grass and weeds, and trimming the trees or shrubbery on any such street, square, alley or lane, and otherwise cleaning the same.

**32.** (1) In addition to the powers conferred upon the councils of incorporated villages by sections 612 to 623, both inclusive, of *The Consolidated Municipal Act, 1883*, as amended by sections 20 and 21 of *The Municipal Amendment Act, 1884*, the council of any such village, under and subject to the provisions of the said sections, may pass by-laws providing for the lighting or for the construction of water works for the purpose of fire protection. Construction  
of water-works  
in villages for  
fire protection.

(2) The said council may by the same or any subsequent by-law, define by metes and bounds, or otherwise, what real property will be immediately benefited by the proposed improvement, and is to be charged with the cost thereof, and may also by any such by-law make provision for assessing and levying on the property so defined the cost of managing and maintaining the said works.

(3) Sub-section 3 of section 612 of the said *Consolidated Municipal Act, 1883*, shall not apply to any works constructed under the powers hereby conferred.

**33.** Wherever it shall in the opinion of the council of any city, town or incorporated village be deemed expedient and necessary to open up and extend any street, lane or alley within the limits thereof for the more immediate convenience or benefit of any locality within such limits, and the council is of opinion that from any cause it is inequitable to charge the whole of the cost of the improvement on the lands fronting thereon, the council shall determine what lands are benefited by the extension, opening up and improving such street, lane, or alley, and the proportion in which the cost thereof shall be assessed against the lands so benefited, and also the proportion, if any, of the cost of the improvement, which shall be assumed by the city, town or incorporated village as its share thereof: provided always that the share or proportion of the cost of any such improvement assumed by the municipality may be provided for by the issue of debentures upon the credit of the municipality at large in like manner as in the case of the Cost of open-  
ing and  
extending  
streets.

the

the share of the municipality of other local improvements: provided, also, that all assessments made under the above provisions shall be subject to an appeal to the Judge of the County Court in like manner as in the case of other special assessments for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.

Assessment of lands benefited by improvements where land does not front on street on which improvement made.

**34.** If in the case of the construction or repair of any bridge, or culvert, or the opening up and extension of any street, lane, or alley, the council shall determine what real property other than that fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made, or to be made, is specially benefited, and ought to be charged with a part of the cost thereof, and shall determine the proportion in which the cost of the improvement shall be assessed against the lands so benefited, the council shall assess and levy the proportion of the cost of the improvement chargeable against the lands benefited, but not fronting or abutting upon such street, lane, or alley, by a frontage rate, in like manner as the same would be assessed and levied in the case of lands fronting or abutting upon the street, lane, or alley, whereon or wherein the improvement is made or to be made.

Refund of part of special rate for local improvements imposed on corner lots, etc

**35.** It shall and may be lawful for the council of any city, town, or incorporated village by a two-thirds vote of the council to pass by-laws to remit and refund so much of the special rates heretofore imposed on corner lots and irregular pieces of land for the construction of pavements and sidewalks under local improvement by-laws as may be necessary to equalize the assessment made on such property with the assessment made on adjoining properties for the same improvement or work, and to provide the amount of all rates so remitted or refunded by passing by-laws for borrowing money by the issue of debentures, or by including said amounts in the rate bills for the year; provided that no such remission or refund shall be made in any case where the work or improvement shall have been made or constructed more than four years before the passage of the by-law authorizing the refund or remission.

General by-law for determining property benefited by improvements sufficient.

**36.** It shall be deemed to have been and to be a sufficient compliance with the provisions of section 612, sub-section 1, of *The Consolidated Municipal Act, 1883*, and of section 20 of *The Municipal Amendment Act, 1884*, if the council shall have passed or shall pass a general by-law or general by-laws, providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed upon the real property immediately benefited thereby, and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited, and it shall not be deemed to have been, or to be, necessary



necessary to pass a special by-law for the purposes above mentioned in each particular instance; but nothing in this section shall affect any pending litigation or the rights of the parties thereto.

**37.** All by-laws heretofore passed by the council of any city, town, or incorporated village, in pursuance of notice duly given under the provisions of sub-section 4 of section 612 of *The Consolidated Municipal Act, 1883*, no petition sufficiently signed having been presented to the council against the proposed assessment, are hereby declared valid and effectual, notwithstanding special by-laws shall not have been passed to provide means of ascertaining what real property will be specially benefited in each particular instance; and it is hereby declared to have been, and to be, a sufficient compliance with the provisions of the said *Consolidated Municipal Act, 1883*, and amending Acts, if the Court of Revision shall have met or shall meet, and due notice of the sittings of the said Court of Revision to hear appeals under the provisions of sections 612 and 618 of the said *Consolidated Municipal Act, 1883*, and of section 20 of the said *Municipal Amendment Act, 1884*, shall have been or shall be given to the persons entitled thereto, and an opportunity of appealing to the Judge of the County Court shall have been or shall be afforded to the person desiring so to do at any time before the final passing of the by-law providing for the special assessment upon the property benefited; but nothing in this section shall affect any pending litigation or the rights of the parties thereto.

By-laws heretofore passed in pursuance of notice under 46 V. c. 18, s. 612, where assessment not petitioned against, confirmed.

**38.** (1) Where a by-law passed under the provisions of section 612 of *The Consolidated Municipal Act, 1883*, or any amendment thereof, provides or is intended to provide that the special rate assessed thereunder shall be a frontage rate, it shall not be necessary to comply with the provisions of section 20 of *The Municipal Amendment Act, 1884*, or to advertise or publish the by-law, or to comply with the provisions of section 618 of the said *Consolidated Municipal Act*, but it shall be sufficient if the by-law describe the street or place or part thereof, whereon or wherein the local improvement is to be made by a general description thereof, stating the points between which it is to be made, and it shall not be necessary for any such by-law to state the value of the real property ratable thereunder, or to impose a rate upon such real property by any description other than that hereinbefore mentioned.

General description in by-laws under 46 V., c. 18, s. 612, sufficient where special rate is a frontage rate.

(2) In cases to which the next preceding sub-section applies the council shall procure a measurement of the frontage liable to the rate mentioned therein, and of the frontages exempt from taxation, and of the frontages of the several lots or parcels of land liable to such rate, and shall keep a statement, of the same open for inspection in the office of the clerk of the municipality

municipality for at least ten days before the final passing of the by-law, and the council shall also cause to be inserted in a public newspaper published within the municipality, or in the county town, or in a public newspaper published in the nearest municipality in which a public newspaper is published, once a week for two successive weeks, a notice in the form following or to the like effect:

Take notice that a by-law is intended to be passed by the Municipal Council of the Corporation of the \_\_\_\_\_ of \_\_\_\_\_ for levying a frontage rate to pay for the *(describing the work)* constructed *(or made)* or to be constructed *(or made)* *(as the case may be)* on \_\_\_\_\_ street, between *(describing the points between which the work has been or is to be made or constructed)* and that a statement shewing the lands liable to pay the said rate and the names of the owners thereof, so far as they can be ascertained from the last revised assessment roll, is now filed in the office of the Clerk of the Municipality and is open for inspection during office hours.

The cost of the work is \$ \_\_\_\_\_ of which \$ \_\_\_\_\_ is to be provided out of the general funds of the municipality.

A Court of Revision will be held on \_\_\_\_\_ at \_\_\_\_\_ for the purpose of hearing complaints against the proposed assessment or accuracy of the frontage, measurements or any other complaint which persons interested may desire to make and which is by law cognizable by the court.

Dated \_\_\_\_\_

Clerk.

(3) There shall be the same right of appeal from any such assessment to the Court of Revision and from the Court of Revision to the County Judge, as is provided in section 570 of the said Act, and the proceedings thereon shall, except as otherwise provided by this Act, be the same (as nearly as practicable) as in the case of appeals from ordinary assessments under *The Assessment Act*, and the Court of Revision and the County Judge shall respectively have the like jurisdiction, rights and powers in respect to every such appeal as in the case of such last mentioned appeals.

(4) The said statement or the same as altered or varied by the Court of Revision or the County Judge upon appeal shall be final and conclusive as to all matters therein contained.

Setting apart  
unincorporat-  
ed village.

**39.** (1) When any unincorporated village or settlement and its immediate neighbourhood lying wholly within the limits of a township, and when the residences of its inhabitants are sufficiently near to each other, as in the opinion of the council of such township municipality, to render the same desirable, the council of the township in which the same are situate may on the petition of a majority of the ratepayers within the area to be set off, one-half of whom shall be resident freeholders, by by-law set such unincorporated village or settlement and neighbourhood apart from the remaining portion of the township in which the same is situate, and with boundaries to be respectively defined and declared in such by-law for the purposes hereinafter mentioned.

(2)

(2) All the powers given to the council of every township by *The Consolidated Municipal Act, 1883*, and amendments thereto, shall remain in force as respects said portion of the township so set apart, and are hereby continued and extended to the council of every township wherein the portion thereof is so set apart under the provisions of this Act, except so far as the same are or may be inconsistent with the enactments herein.

Jurisdiction of township continued.

(3) In addition to the powers given to the council of every township by *The Consolidated Municipal Act, 1883*, and amendments thereto, the council of every township wherein a portion has been set apart under the provisions of this Act, shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages by the said Act and amendments thereto as respects such portions as shall be so set apart, and may pass by-laws which shall apply exclusively and only to that portion of such township so set apart for the following purposes:—

Additional powers of township councils.

(a) To compel all persons (resident or non-resident) liable to statute labour within such prescribed limits, to compound for such labour at any sum not exceeding \$1 for each day's labour, and that such sum shall be paid in commutation of such statute labour, and for enforcing the payment of such commutation in money in lieu of such statute labour.

(b) For all the purposes specified in sections 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623 and 624, and the sub-sections thereto of *The Consolidated Municipal Act, 1883*, and amendments thereto.

(4) In case any township, city, town, or incorporated village, shall be so situated that in the construction of any sewer therein it becomes necessary in order to procure an outlet therefor to extend the same into or through a contiguous municipality, such township, city, town, or incorporated village so situated, shall be permitted and have power, subject as hereinafter provided, to so extend such sewer into or through such contiguous municipality, and shall be permitted and have power to unite and connect the same to any already existing sewer or sewers of such contiguous municipality, upon such terms and conditions as shall be agreed upon between the respective municipalities, and in case of a difference then upon such terms and conditions as shall be determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, in that behalf: Provided always, that in any case where the council of any municipality shall object to allow an adjoining municipality to connect a sewer with any existing sewer or extend a sewer through its territory, as above provided, then and in every such case the arbitrators shall not only determine the terms and conditions upon which such connection or extension shall be allowed to be made;

Extension of sewers into adjoining municipality.



made; but also whether such connection or extension should under the circumstances be permitted or allowed to be made, but nothing in this section contained shall authorize the making of an open drain or sewer, nor shall anything herein apply or impair the provisions of *The Ditches and Water-courses Act, 1883*. Nevertheless, nothing in this section contained shall be construed as limiting or abridging any of the powers conferred on Township Councils by *The Consolidated Municipal Act, 1883*, and amendments thereto.

## CHAPTER 40.

### An Act to amend the Municipal Act in relation to Hawkers and Pedlars.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Who deemed  
hawkers under  
46 V. c. 18, s.  
495, sub-s. 3.

1. *The Consolidated Municipal Act, 1883*, is hereby amended as follows:—

It is hereby declared that the word “hawkers” in sub-section 3 of section 495 of *The Consolidated Municipal Act, 1883*, shall include all persons who, being agents for persons not resident within the county, sell or offer for sale tea, dry goods or jewellery, or carry and expose samples or patterns of any of such goods to be afterwards delivered within the county to any person not being a wholesale or retail dealer in such goods, wares or merchandise.

“Hawkers”  
under this Act  
not included  
in existing  
municipal  
by-laws.

2. The provisions of any by-law heretofore passed or enacted by any municipal council shall not be held as extending to any persons who, by the provisions of this Act, are to be held as included within the meaning of the word “hawkers.”

Commence-  
ment of Act.

3. This Act shall come into force and effect on, from and after the first day of October next after the passing thereof

## CHAPTER 41.

An Act respecting Municipalities in Algoma, Muskoka,  
Parry Sound, Nipissing and Thunder Bay.

[Assented to 30th March, 1885.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The council of every municipality which has been erected under the Act passed in the 35th year of Her Majesty's reign, entitled *An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing and Thunder Bay*, or which has been or may be erected under *The Revised Statute respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, and the council of any municipality in any of the Districts hereinbefore named which has been incorporated by any Act of the Legislature, shall have power to pass by-laws for such purposes as are from time to time authorized to be passed by the councils of townships; and the provisions relating to townships and their officers of any Municipal Act, from time to time in force, shall apply to such municipalities except where inconsistent with the special provisions of the said Revised Statute or other Act under which the municipality was incorporated.

Power of  
Councils to  
pass by-laws.

2. The council of every such municipality shall also have power to pass by-laws in respect of the several matters named in sub-section 11, sub-sections 17 to 33 and sub-sections 39 to 42, inclusive of section 496 of *The Consolidated Municipal Act, 1883*. Any such by-law may, at the option of the council, be operative throughout the municipality or only within certain defined parts thereof.

Power to pass  
by-laws as to  
matters named  
in 46 V. c. 18,  
s. 496, sub-ss.  
11, 17-30 and  
39-42.

3. Any by-law heretofore passed by the council of any such municipality and not hitherto repealed, which might hereafter be enacted under this Act, shall hereafter, without re-enactment, be a valid by-law of such municipality.

By-laws con-  
firmed.

4. Section 18 of the said Revised Statute is hereby repealed and section 1 of this Act substituted therefor.

R. S. O. c. 175,  
s. 18, repealed.

## CHAPTER 42.

## An Act to further amend the Assessment Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short Title. 1. This Act may be cited as "*The Assessment Amendment Act, 1885.*"

Interpretation 2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act or in *The Assessment Act* as amended by this Act, they shall have the meanings hereinafter expressed, that is to say:—

"Landholder." (1) The expression "landholder" shall mean and include:

(a) Any person who being the owner of and residing and domiciled upon real property of at least twenty acres in extent, or of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, is, in the assessment roll of the municipality where such property is situate, entered and assessed as owner of said property of at least the number of acres or assessed value aforesaid, and

(b) Any person actually residing and domiciled in any dwelling-house as tenant thereof, where such dwelling-house and the land, if any, held therewith by such person as such tenant is of at least an actual value in cities and towns of four hundred dollars, and in townships and incorporated villages of two hundred dollars, and is at not less than such value entered and assessed in the name of such person in the assessment roll of the municipality wherein the same is situate.

"Son" and "Landholder's son." (2) The word "son," or the expression "landholder's son," shall mean and include any male person being a son, step-son, grandson or son-in-law, as the case may be, of any landholder.

"Local municipality." (3) The expression "local municipality" shall mean and include a city, town, incorporated village or township, as the case may be.

"Wage-earner." (4) The expression "wage-earner" shall mean any male person of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization, who is actually residing



ing and domiciled in any local municipality, and who is not otherwise entered or assessed in the assessment roll of said municipality in respect either of property or taxable income so as to entitle him to vote at an election for a member of the Legislative Assembly of this Province.

(5) The expression "dwelling-house" shall mean and include any part of a house when that part is separately occupied and resided in as a dwelling, and also any land where such land is separately occupied or resided upon as and is part of the premises belonging to and used with such dwelling. "Dwelling house."

(6) The expression "householder" shall mean any male person entered and assessed or entitled to be entered and assessed in the revised assessment roll of a local municipality, as and being the sole tenant and occupant of and actual resident in a dwelling-house situate in such local municipality, but shall not mean nor include, "Householder."

(a) Any person who is so entered or assessed as or who is actually a joint tenant or occupant of such dwelling-house with any other person; nor

(b) Any person who is a mere lodger or boarder in a house.

(7) The expression "last revised assessment roll" shall mean the last revised assessment roll of a local municipality. "Last revised assessment roll."

(8) The expression "list of voters" shall mean the alphabetical list referred to in section 2 of *The Voters' Lists Act*. "List of voters."

3. Section 18 of *The Assessment Act* is hereby repealed, and the following is substituted therefor: R. S. O., c. 180, s. 18, repealed.

18. (1) Where land is assessed against both the owner and occupant, or owner and tenant, the assessor shall place both names within brackets on the roll, and shall write opposite the name of the owner the letter "F," and opposite the name of the occupant or tenant the letter "T," and both names shall be numbered on the roll. When land assessed against owner and occupant.

(2) Where a dwelling-house is assessed in the name of and against a householder, the assessor shall write opposite the name of the householder the letter "H" in addition to said letter "F" or "T." When house assessed against householder.

(3) No ratepayer shall be counted more than once in returns and lists required by law for municipal purposes; and the taxes may be recovered from either the owner, tenant, or occupant, or from any future owner, tenant, or occupant saving his recourse against any other person. Ratepayer to be counted only once.

4. Section 20 of *The Assessment Act* is hereby repealed, and the following is substituted therefor:— R. S. O., c. 180, s. 20, repealed.

Mode of assessing landholder's son residing with landholder.

20. (1) The assessor shall enter and insert in his roll next after any landholder named therein, the name of every son of such landholder who is twenty-one years of age, and who is and for twelve months next prior to the return by the assessor of his roll has been *bona fide* residing with such landholder in the residence or dwelling of such landholder within the local municipality; and the assessor shall place the names of the landholder and every such son within brackets on the roll, and shall write opposite the name of every son the letters "LS," and the names so entered shall be numbered on the roll; and every such son shall be so entered on said roll in the order of his age and seniority, commencing with the eldest as the first to be so entered;

(a) No landholder shall be deemed or taken to be assessed jointly with his son in respect of the property for which he is entered on such roll as a landholder; but the son shall, for the purposes of *The Election Act* and of his right to vote at an election, be deemed and considered as being entered and named in said roll in respect of said property;

(b) Occasional or temporary absence from the residence or dwelling of the landholder for a time or times, not exceeding in the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a son to be considered *bona fide* residing in such residence or dwelling, as aforesaid.

Assessment of wage-earner.

(2) Every wage-earner, *bona fide* resident and domiciled in the local municipality, and who has during the preceding twelve months derived or earned wages or income from some trade, occupation, calling, office, or profession, of not less than two hundred and fifty dollars shall be entitled to be and shall be entered by the assessor in the assessment roll of the local municipality as such wage-earner, and the assessor shall write opposite his name in the roll in the column four, mentioned in section 12 of this Act, the words "wage-earner" in addition to the letter, if any, required to be written in such column.

(a) In estimating or ascertaining the amount of wages or income so earned or derived by any person so entitled to be entered as a wage-earner in the assessment roll of a municipality not being a city, town or village, the fair value of any board or lodging furnished or given to or received, or had by such person, as or in lieu of wages, or as part thereof, shall be considered or included.

Entry of wage-earner on roll.

(3) The assessor shall, opposite the name of a wage-earner, in the column 8 mentioned in section 12 of this Act, enter

(a) In the assessment roll of a city, town or village, the residence of such wage-earner by the number thereof (if any) and the street or locality whereon or where-in the same is situate;

(b)

- (b) In the assessment roll of a township, the concession wherein and the lot or part of a lot whereon such wage-earner resides ;

and, in all cases, any additional description, as to locality or otherwise, which may be reasonably necessary to enable such residence to be ascertained and verified.

(4) Wherever the following words occur in this section they shall be interpreted as follows : Interpretation

- (a) The word "election" shall mean an election for a "Election." member of the Legislative Assembly of this Province, or to a municipal council, as the case may be ;

- (b) The words "to vote" shall mean to vote at an election. "To vote."

5. Section 37 of *The Assessment Act* is hereby repealed, and the following is substituted therefor : R. S. O., c. 180, s. 37, repealed.

37. (1) It shall be the duty of every person assessable for real or personal property in any local municipality or entitled to be entered in the assessment roll as a wage-earner, to give all necessary information to the assessors, and if required by the assessor, or by one of the assessors, if there is more than one, he shall deliver to him a statement in writing, signed by such person (or by his agent, if the person himself is absent) containing : Particulars respecting property to be furnished to assessors by parties who are assessable.

- (a) All the particulars respecting the real or personal property assessable against such person which are required in the assessment roll ; and

- (b) In the case of a wage-earner full particulars of the income or wages earned by him during the then preceding twelve months ;

and if any reasonable doubt is entertained by the assessor of the correctness of any information given by the party applied to, the assessor shall require from him such written statement.

(2) The name of a wage-earner shall not be entered in the assessment roll as such wage-earner unless to the assessor, or to one of the assessors, if there is more than one, there has been first delivered by or on behalf of said wage-earner a written affirmation made and signed by him in the form following or to the like effect :— Affirmation by wage-earner.

"I, A. B., being a wage-earner within the meaning of *The Assessment Act* and any Act amending the same, do sincerely and truly affirm and declare, that I am of the full age of twenty-one years ; that I am a subject of Her Majesty by birth or naturalization ; that I am actually resident and domiciled in this city of (or town, village, or township as the case may be) at (giving the locality of his residence or the name of the street and the number (if any) of such residence, or such other reasonable description as will easily permit of its being verified and ascertained) ; that my post office address is ; and that during the twelve months next preceding this day of in the year (the date to be filled in here is that of



of the day, month, and year upon which this affirmation is made and signed) I have derived and earned wages and income from my trade, occupation, calling, office or profession, of not less than two hundred and fifty dollars."

Witness,

A. B.

X. Y., of (add residence and occupation).

And in the case of a wage-earner claiming or entitled to be entered in the assessment roll of a Township, there shall be added to the last words of the foregoing affirmation these further words :

"Including and estimating as part of said two hundred and fifty dollars, the fair value of board and lodgings given to or received, or had by me as or in lieu of wages during said twelve months."

(a) Such written affirmation must have been so made and signed by such wage-earner in the presence of an attesting witness, within one month prior to its being so delivered as aforesaid to the assessor, and said attesting witness shall subscribe his signature as such to said affirmation, and shall add thereto his place of residence and occupation.

Forms to be provided.

(3) The local municipality shall provide the assessor with a sufficient number of printed forms of the affirmation aforesaid, and if the same be not so provided by the municipality the assessor shall procure and provide himself with a sufficient number thereof, and shall be entitled to have and recover the costs thereof from the municipality.

Entry of affirmation on roll.

(4) The assessor shall in the case of a wage-earner making such affirmation as aforesaid, enter on the roll opposite his name in the column 26 mentioned in section 12. of this Act, the word "affirmed," and the date on which such affirmation purports to be so made.

Affirmations to be filed.

(5) The assessor shall deliver to the clerk of the local municipality with the assessment roll, every affirmation so made before him, and the same shall thereupon remain with and be kept by such clerk on file in his office, and shall, at all convenient office hours be open to inspection and examination by any person entitled to examine or inspect said assessment roll.

Assessor not required to give notice to wage earner or landholder's son under R. S. O., c. 180, s. 41.

6. Nothing in section 41 of *The Assessment Act* contained shall be deemed to require the assessor to give, leave or transmit any notice to any person entered on the assessment roll as only a wage-earner or landholder's son, either under the provisions of said Act as amended by this Act or otherwise, but in any notice given or transmitted to any landholder under the provisions of said section the assessor shall enter and set forth the name of every person entered in said roll as a son of such landholder.

Service of notices and papers on landholder's son.

7. (1) Any notice, document or paper necessary to be given to, or left with, or served upon a landholder's son under any of the provisions of *The Assessment Act*, as amended by this Act, shall be deemed to be so given to, or left with, or served upon such

such son if the same is given to him personally, or is left with some grown person at the residence of the landholder whose son he is.

(2) Any notice, document or paper necessary to be given to, or left with, or served upon any wage-earner under any of the said provisions, shall be deemed to be so given to, or left with, or served upon such wage-earner, if the same

- (a) Is given to or left with him personally; or
- (b) Where such wage-earner has a known residence or place of business within the local municipality, is left with some grown person at such residence or place of business; or,
- (c) Where such wage-earner has no known residence or place of business within the local municipality is mailed through the post-office, with the postage thereon pre-paid, and addressed to him at the post-office address contained in any affirmation made by him before the assessor.

8. Instead of the certificate provided by section 42 of *The Assessment Act*, every assessor shall attach to his roll a certificate signed by him and verified upon oath or affirmation in the form following:—

Certificate of  
assessor under  
R. S. O., c.  
180, s. 42.

“I do certify that I have set down in the above assessment roll all the real property liable to taxation situate in the municipality (or ward) of (*as the case may be*) and the true actual value thereof in each case, according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the aggregate amount of the personal property, or of the taxable income, of every party named on the said roll; and that I have estimated and set down the same according to the best of my information and belief; and I further certify, that I have entered thereon the names of all the resident householders, tenants and freeholders, and of all other persons who have required their names to be entered thereon, with the true amount of property occupied or owned, or of income received by each, and that I have not entered the names of any persons whom I do not truly believe to be a householder, tenant, or freeholder, or the *bona fide* occupier or owner of the property, or in receipt of the income set down opposite his name, for his own use and benefit; and I further certify that according to the best of my knowledge and belief, I have entered thereon the name of every person entitled to be so entered either as a landholder's son or as a wage-earner, and that I have not intentionally omitted therefrom the name of any person whom I knew or had good reason to believe was or is entitled to be entered thereon either as a landholder's son or as a wage-earner; and I further certify that the date of delivery or transmitting the notice required by section forty-one of *The Assessment Act* is in every case truly and correctly stated in the said roll: and I further certify and swear (*or affirm as the case may be*) that I have not entered the name of any person at too low a rate in order to deprive such person of a vote, or at too high a rate in order to give such person a vote, or for any reason whatever; and that the amount for which each such person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted to him as aforesaid.”

9. Section 40 of *The Assessment Act* is hereby repealed and the following is substituted therefor—

R. S. O., c.  
180, s. 40,  
repealed.

Assessor to make enquiries so as to prevent creation of false votes.

40. To prevent the creation of false votes, where any person

- (1) claims to be assessed, or claims that any other person should be assessed as owner, tenant, or occupant of any parcel of land, or as a householder, or as possessing the income which entitles him to vote in any municipality at any election; or
- (2) claims to be entered, or that any other person should be entered, in the assessment roll of the municipality either as a landholder's son, or as a wage-earner,

and the assessor has reason to suspect that the person so claiming, or for whom the claim is made, has not a just right to be so assessed or entered, it shall be the duty of the assessor to make reasonable enquiries before so assessing or entering any such person.

Entry of landholder's sons and wage-earners on roll.

10. Subject to the other provisions of this Act and of *The Assessment Act* as amended by this Act any landholder's son and any wage-earner entitled as such to be assessed or to have his name entered in the assessment roll of any local municipality, shall be so assessed, and shall have his name so entered without any request in that behalf, unless he informs or notifies the assessor to the contrary; and any person entitled to be entered in such assessment roll or in the voters' list based thereon, or to vote or to be a voter in the electoral district in which any such municipality is situate, shall, in order to have the name of such landholder's son or wage-earner entered and inserted in such assessment roll, or list of voters, as the case may be, have for all purposes the same right to apply, complain or appeal to any court or to any judge in that behalf, as such landholder's son or wage-earner, as such, would or can have personally, unless it is made to appear to the court or judge that such landholder's son or wage-earner actually dissents therefrom.

Penalty for causing improper entries on roll.

11. Any person who wilfully and improperly inserts or procures or causes the insertion of any name in the assessment roll, or assesses or procures or causes the assessment of any person at too high an amount, with intent in either or any such case to give to any person not entitled thereto an apparent right to vote at any election; or who wilfully inserts, or procures or causes the insertion of any fictitious name in the assessment roll, or who wilfully and improperly omits, or procures or causes the omission of any name from the assessment roll, or assesses or procures or causes the assessment of any person at too low an amount, with intent in either case to deprive any person of his right to vote, shall, upon conviction thereof before a court of competent jurisdiction, be liable to a fine not exceeding two hundred dollars, and to imprisonment until the fine is paid, or to imprisonment in the common gaol of



of the county or city, for a period not exceeding six months, or to both such fine and imprisonment, in the discretion of the court.

**12.** Sub-section 23 of section 6 of *The Assessment Act* is hereby repealed, and the following substituted therefor:—

R. S. O. c. 180, s. 6, sub-s. 23, repealed.

(23) The stipend or salary of any clergyman or minister of religion while in actual connection with any church and doing duty as such clergyman or minister, to the extent of one thousand dollars and the parsonage, when occupied as such or unoccupied, and if there be no parsonage the dwelling house occupied by him with the land thereto attached, to the extent of two acres, and not exceeding two thousand dollars in value. This sub-section shall not apply to a minister or clergyman whose ordinary business or calling at the time of the assessment is not clerical though he may do occasional clerical work or duty.

Exemption of Ministers' stipends.

**13.** Sub-section 4 of section 12 of the said Act is hereby amended by adding after the words "Column 3.—Occupation," the words, "and in the case of females, a statement whether the party is a spinster, married woman or widow, by inserting opposite the name of the party the letter 'S,' 'M,' or 'W,' as the case may be."

R. S. O. c. 180, s. 12, sub-s. 4, amended.

**14.** Section 93 of the said Act is hereby amended by adding thereto the following sub-section:—

R. S. O. c. 180, s. 93, amended.

(2) A city shall for the purposes of this section be deemed to be within the county of which it forms judicially a part.

**15.** Sub-section 3 of section 33 of *The Municipal Amendment Act of 1879*, is hereby amended by adding thereto the following words: "And in the event of the assessment of any one or more municipalities being reduced or increased by the court, directions shall be given to the clerk of the county council to increase or reduce the rate imposed by the by-law of the county council so that such rate will, calculated upon the finally revised and equalized assessment, produce the sum which such by-law is intended to provide."

42 V. c. 31, s. 33, sub-s. 3, amended.

**16.** Section 9 of *The Act respecting Municipal Assessments and Exemptions*, passed in the forty-third year of Her Majesty's reign and chaptered 27, is hereby repealed, and the following is substituted therefor:

43 V. c. 27, s. 9, repealed.

9. (1) Where there is an appeal from any Court of Revision under section 59 of *The Assessment Act* to the County Court Judge of the county in which the assessment is made, and a person, partnership or corporation desiring to appeal has been assessed on one or more properties to an amount aggregating fifty thousand dollars, such person, partnership or corporation shall, on depositing with the clerk of the Court of Revision

Appeals from Court of Revision.

appealed

appealed from the sum of fifty dollars to pay the travelling expenses of the Board or Judge to be called in as hereinafter mentioned, have the right to have the appeal from the said Court of Revision heard by a Board consisting of the judges of the counties which constitute the County Court District if the property assessed be in a county which forms part of a County Court District, and if not, then the party or corporation appealing may request, in writing, the said County Court Judge to associate with himself in hearing the said appeal, the Judge or acting Judge of the County Court of the county whose county town is nearest to the court house where the said appeal will be heard, and the said appeal shall thereupon be heard by the County Court Judge, and the said Judge so called in as aforesaid, and in such cases the clerk of the municipality shall forthwith notify each of the judges whose duty it shall be to attend upon such appeal as aforesaid, by post prepaid, of all notices of appeal coming within the provisions of this section, which are from time to time served upon him, and the judge of the county in which the city, town, township or village lies, the decision of whose Court of Revision has been appealed against, shall arrange a day for the hearing of such appeals, and shall notify the clerk thereof, and the clerk shall immediately notify, by post prepaid, the other judge or judges and the parties appealing.

(2) Where an appeal against an assessment lies from a Court of Revision to the Stipendiary Magistrate of the District or Provisional County in which the property assessed is situate, and a person or corporation desiring to appeal is assessed on one or more properties in any township or union of townships to an amount in the aggregate exceeding fifty thousand dollars, such person or corporation shall have the right to appeal either to the said Stipendiary Magistrate or (on depositing with the Clerk of the Municipality the sum of fifty dollars to defray the travelling expenses of the County Court Judge hereinafter mentioned) to the Judge of the County Court of the county to which the said Provisional County or District is attached for judicial purposes; the notice of such appeal, the time for bringing the same on, and the procedure generally, to be the same as in the case of an ordinary appeal from a Court of Revision to a County Court Judge.

(3) The sections of *The Assessment Act*, from 59 to 67 inclusive, shall apply to all appeals taken under the two preceding sub-sections, and the said judges shall have the powers and duties which by the said sections, 59 to 67, are assigned to the County Court Judge therein referred to.

(4) When two judges hear the appeal and differ in their opinion as to the allowance of the said appeal or otherwise, then the said assessment appealed from shall stand confirmed.

(5) The clerk with whom any money is deposited to pay the travelling expenses as aforesaid shall pay out of the moneys

so deposited upon requisition by the judge such sum as the said judge shall certify to him as his travelling expenses in connection with the said appeal and shall repay the balance if any to the person or corporation depositing the same.

(6) The provisions of this section shall also be held as applying in any case where the person, partnership, or corporation desiring to appeal has been assessed on properties to an amount not less than twenty thousand dollars, and not exceeding fifty thousand dollars, provided that the matter of appeal involves questions of law, and does not involve only the question of the value at which such properties have been so assessed.

17. The several provisions of this Act, as they respectively come into force and effect, shall be read with and construed as part of *The Assessment Act*. Act to be read with R. S. O., c. 180.

18. The several sections and provisions of this Act shall come into force and have effect as follows: Commencement of Act.

(1) Sections 11 to 17, both inclusive, shall come into force and have effect from and after the passing of this Act.

(2) The remaining sections and provisions of this Act shall come into force and have effect on and after the first day of January next after the passing thereof, except as to any assessment roll or assessment taken or made subsequent to the first day of July next after the passing thereof, under the special provisions of section 44 of *The Assessment Act*; and with respect to any such last mentioned assessment roll or assessment, and any list of voters based thereon, this Act shall for all purposes, and as regards all matters, liabilities, duties and proceedings therein provided for, be deemed to come into force, and have effect on and after said first day of July.

## CHAPTER 43.

### An Act to amend the Liquor License Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following shall be read as section 43b of *The Liquor License Act*:

(43b) Every person, not being the occupant or a member of his family or lodger in his house, who buys or obtains, or attempts to Obtaining liquor at



prohibited  
time an  
offence.

to buy or obtain intoxicating liquor during the time prohibited by this Act for the sale thereof, in any place where the same is or may be sold by wholesale or retail, shall be guilty of an offence under this Act.

R. S. C., c.  
181, s. 52 (47  
V., c. 34, s.  
11), amended.

2. Section 52 of the said Act, as amended by section 11 of *The Liquor License Act, 1884*, is amended by striking out the words "or fifteen days' imprisonment" in the fourth line thereof, and inserting the following after the word "costs" in the said fourth line, "and in default of payment of such fine and costs the offender or offenders may be imprisoned in the county gaol of the county in which the conviction is made, for a period not exceeding fifteen days."

Sect. 52  
further  
amended.

3. The said section 52 of the said Act, as amended by the said section 11 of *The Liquor License Act, 1884*, is hereby further amended by adding thereto, as sub-section 2, the following :

Penalty for  
contravention  
of s. 43b.

(2) Every person convicted of an offence against section 43b of this Act shall be liable to a penalty for each offence of not more than ten dollars and not less than two dollars with costs.

Power to  
exempt  
witness from  
operation of  
sect. 43b.

4. Notwithstanding anything in the said Act contained, any police magistrate or justice of the peace before whom any information or complaint is laid or made for the prosecution of any offence against the provisions of section 43 of the said Act may, having regard to the demeanour of any witness and his mode of giving his evidence, by certificate in that behalf exempt such witness from the operation of section 43b of the said Act, and from all proceedings and penalties thereunder in respect of the subject matter of such information or complaint.

Provision  
where alleged  
violation of  
sect. 1 committed in  
detecting  
breach of law.

5. If it shall be made to appear to the police magistrate or justices before whom any complaint under this Act is heard, that the person charged with the violation of section 1 of this Act was so acting as an officer whose duty it was to enforce the Liquor License Laws, or under the instructions or authority in writing of any Board of License Commissioners, License Inspector or provincial officer, for the purpose of detecting a known or suspected offender against the Liquor License Laws, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted.

41 V., c. 14,  
s. 8, amended.

6. Section 8 of the Act passed in the forty-first year of Her Majesty's reign, and chaptered 14, is amended by striking out the words "or General Sessions" in the first line thereof.

Costs in  
convictions or  
orders under  
47 V., c. 34,

7. In all cases of conviction, or orders made under and in pursuance of sections 26, 27, 28, 29, 30 and 32 of the said Act passed in the forty-seventh year of Her Majesty's reign, and chaptered

chaptered 34, the justice or justices making the same may, in ss. 26-30, and 32.  
 nis or their discretion, award and order, in and by the conviction or order, that the defendant shall pay to the prosecutor or complainant such costs as to the said justice or justices seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before justices of the peace.

8. The said *Liquor License Act* is further amended as R. S. O., c. 181, ss. 3 and 6, amended.  
 follows:—By inserting in the fourth line of the third section thereof the words “or License District,” immediately after the words “Electoral District” in the fourth line thereof, and by inserting in the third line of the sixth section thereof the words “or License District,” immediately after the words “Electoral District” in the third line thereof.

9. This Act shall be read with and as part of the said Act to be read with R. S. O., c. 181.  
*Liquor License Act*, and may be cited as *The Liquor License Amendment Act, 1885.*

## CHAPTER 44.

An Act to provide for the Better Observance of the Lord's Day, commonly called Sunday, by prohibiting Sunday Excursions of certain kinds.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sunday excursions by steamboats plying for hire, or by Sunday excursions prohibited.  
 railway, or in part by any such steamboat and in part by railway, and having for their only, or principal object, the carriage of Sunday passengers for amusement or pleasure only, and to go and return on the same day by the same steamboat or railway, or any other, owned by the same persons or company, shall be unlawful, and shall not be deemed a lawful conveying of travellers within the meaning of any statute of Ontario permitting the conveyance of travellers on the Lord's day.

2. The owner or owners of any steamboat or railway by Penalty  
 which any such Sunday excursion is wholly or partly made, shall, for each offence against this Act, forfeit and pay the sum of four hundred dollars, to be recovered by action before any court

court having jurisdiction in civil cases to that amount by any person suing for the same under this Act, and for the purposes thereof.

Procedure.

3. The action for the recovering of any penalty incurred under this Act must be brought before a court having competent jurisdiction, as aforesaid, in the place from which the steamboat or train employed in the unlawful excursion, on which the action is founded, started, or through, or at which it passed or stopped in the course thereof, and must be brought within six months after the commission of the alleged offence; and notice in writing of such action, and the cause thereof, must be given to the defendant at least one month before the commencement of the action.

Application of penalties.

4. All sums of money recovered by action under the foregoing provisions of this Act shall be appropriated as follows:— One moiety thereof to the plaintiff in the action, and the other moiety to the municipality of the city, town, village or place from which the unlawful excursion started, to be applied for the purposes of such municipality.

“Owner,” meaning of.

5. The expression “owner or owners” in this Act includes any corporation owning the steamboat or railway referred to, and the expression, “person or persons,” includes corporations.

Act not to apply to ferries.

6. This Act shall not apply to ferries or to steamboats when employed thereon.

Liability of captain or other person in charge.

7. The captain or other person in charge of any steamboat and the conductor or other person in charge of any train, used for the purpose of any such Sunday excursion shall be liable to the like penalties as are prescribed by the Revised Statute, chapter 189, entitled *An Act to Prevent the Profanation of the Lord's Day*, for the violation of that Act; and the said penalties shall be recoverable, and applied in like manner as the penalties in the said Act mentioned.

## CHAPTER 45.

An Act to make further provision regarding the Public Health.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Public Health Act, 1885*.

Appointment of Medical

2. Whenever, from the presence of any formidable contagious disease in any locality, the Provincial Board of Health considers the



the appointment of a Medical Health Officer necessary for the municipality in which such disease exists, or for any neighbouring municipality, and requests the council of any such municipality to appoint a Medical Health Officer the council shall forthwith appoint a properly qualified medical practitioner, to be Medical Health Officer for the municipality.

Health Officer  
by municipal  
councils.

3. If a council does not appoint a Medical Health Officer, within five days after a request in that behalf made by the Provincial Board, which request may be served upon the head of the council or its clerk, or mailed to either of such officers by registered letter-post, the Lieutenant-Governor upon the recommendation of the Provincial Board may appoint a Medical Health Officer for such municipality.

By Provincial  
Board.

4. Every Medical Health Officer appointed by the Municipal Council shall hold office during the pleasure of the council, and if under the preceding section the Medical Health Officer is appointed by the Lieutenant-Governor, he shall hold office until the first day of February in the year following that in which he is appointed; Provided always, that the municipal council may at any time, upon a two-thirds vote of its members, dismiss any Medical Health Officer for a neglect of duty; and the decision of such council shall be final and shall not render the corporation liable for any damages; the Medical Health Officer shall be entitled to compensation for services actually rendered up to the time of such dismissal, but the amount of such compensation shall not exceed the salary he would have earned up to the time of such dismissal, and if his salary up to such time is paid such payment shall be a bar to any other claim for services rendered.

Duration of  
office.

Compensation  
in case of dis-  
missal.

5. Whenever, during the presence of any formidable contagious disease in any municipality or neighbouring locality any Medical Health Officer becomes temporarily or permanently incapable of performing his duties, or resigns his office, or leaves the locality for which he has been appointed, the council shall forthwith appoint another Medical Health Officer in his room.

Vacancy in  
office, how  
filled.

6. Where two or more municipalities are united into a health district, the provisions of the preceding part of this Act shall apply, except that the power and duty of appointing or removing a Medical Health Officer shall be with the District Board of Health, unless the councils of the municipalities composing such health district have, previous to any request in that behalf being made by the Provincial Board, united in appointing a Medical Health Officer for such municipalities, and the Lieutenant-Governor may, in case of their default, appoint a Medical Health Officer for such district.

Case of several  
municipalities  
united into one  
health district.

Compensation  
of Medical  
Health Officer.

7. In case the appointment of a Medical Health Officer is made by the Provincial Board of Health he shall be entitled to recover from the municipality reasonable compensation for his services.

His powers.

8. Where a Medical Health Officer is appointed he shall possess all the powers and authority possessed by any Health Officer or Sanitary Inspector under *The Public Health Act, 1884*, or any other Act in force, and such Medical Health Officer shall perform all duties imposed upon him by any regulations of the Provincial Board of Health, and the fact that similar duties are by statute imposed upon the Local Board of Health shall not relieve the Medical Health Officer from the performance of such duties.

Suspension of  
municipal and  
school  
elections.

9. (1) In case the Provincial Board of Health reports to the Lieutenant-Governor that on account of the presence in any municipality of an epidemic or contagious disease it would be dangerous to hold an election in such municipality, the Lieutenant-Governor may, upon application by the council of the municipality in that behalf, issue his proclamation postponing the holding of any intended municipal or school election for a period not exceeding three months, and may from time to time further postpone such election if in the opinion of the said board the necessity for postponement continues.

(2) The Lieutenant-Governor may, by his said proclamation, name the days for holding the nomination and polling for the election, but in case no days are named therefor, the council shall, as soon as practicable after the period named in such proclamation, or the last of such proclamations, expires, by by-law name days for the nomination and polling.

(3) In case an election postponed under the provisions of this section is the annual election, or an election of the entire council, or of all the members of a board of trustees or other body, the members of the council, board or other body shall continue to hold office until their successors are elected.

Authority to  
dispose of  
refuse, etc.,  
after removal.

10. Where under the provisions of *The Public Health Act, 1884*, or of any municipal by-law, the Local Board or any Health Officer removes any dirt, filth, refuse, debris, or other thing which is likely to endanger the public health or to become or cause a nuisance, or which is, or is causing, a nuisance, such dirt, filth, refuse, or other thing shall be subject to the disposition of the Local Board or, if the officer is acting under a by-law of a municipal council, shall be subject to the disposition of the council, and the owner of such thing shall have no claim in respect thereof.

Powers for  
purpose of  
disinfecting  
things or per-  
sons.

11. Where a Local Board of Health, or any Health Officer, is required or empowered, under any Public Health Act, or under any regulations made thereunder, to disinfect any per-  
son

son or thing, or to isolate any person, such board or officer may use such force and employ such assistance as is necessary in order to accomplish what is required.

**12.** Section 3 of *The Public Health Act, 1884* is hereby amended by adding the following thereto as sub-sections 9, 3, amended, 10, 11 and 12: 47 V. c. 38, s.

(9) For the inspection of railway stations, steamboats, vessels, railway carriages and cars and public conveyances by the Local Board or some officer, and the cleansing, purifying and disinfecting thereof, and anything contained therein when required by such Board or officer at the expense of the owner, occupier, or the person having the care and ordering thereof, and for detaining for this purpose any such steamboat, vessel, railway carriage and car or public conveyance, and anything contained therein, so long as may be necessary, and any person travelling thereby. Inspection of railway stations, steamboats, etc.

(10) For preventing the departure of persons from infected localities, and for preventing persons or conveyances from passing from one locality to another, and for detaining persons or conveyances who or which have been exposed to infection, for inspection or disinfection until the danger of infection is passed. Restraining departure of persons and conveyances.

(11) For requiring the appointment of sanitary police to be paid by the municipalities in which they act for the purpose of assisting and carrying out the health regulations in force in the municipality. Sanitary police.

(12) For the removal of persons living in infected localities. Removal of persons.

**13.** Section 8 of the said Act is hereby amended by inserting after the words "Local Boards of Health" where these words occur in the said section, the words "or by the Medical Health Officer or sanitary police." 47 V. c. 38, s. 8, amended.

**14.** Section 9 of the said Act is hereby amended by inserting after the words "the Local Boards of Health," the words, "or the Provincial Board of Health." Sec. 9 amended.

**15.** Section 65 of the said Act is hereby amended by adding thereto the following additional sub-sections, as sub-sections 2, 3 and 4: Sec. 65 amended.

(2) Any person who violates any regulation of the Provincial Board of Health shall be liable for every such offence to a penalty not exceeding \$20 in the discretion of the convicting justices or magistrate, besides costs which may also be inflicted, if the convicting justices or magistrate sees fit to impose the same. Penalty for violating regulations of Provincial Board of Health.

(3) Where any person has been convicted of an offence under this Act, or under any regulation or by-law enacted or in force, thereunder, and such offence is in the nature of an omission or neglect Removal of nuisances.



neglect, or is in respect of the existence of a nuisance or other unsanitary condition, which it is such person's duty to remove, or is in respect of the erection or construction of anything contrary to the provisions of this Act, or of *The Public Health Act, 1882*, or of any regulation or by-law enacted, or in force under either of the said Acts then, in case the proper authority in that behalf gives reasonable notice to such person to make good such omission or neglect, or to remove such nuisance or unsanitary condition, or to remove the thing which has been erected or constructed contrary to the said Act, regulation or by-law, and default is made in respect thereto, the person offending may be convicted for such default, and shall be liable to the same punishment as was, or might have been, imposed for the original offence, and so on, from time to time, as often as after another conviction a new notice is given and the default continues; and in the case of a third or subsequent conviction, it shall not be necessary in the information, conviction or other proceedings to make any reference to any conviction except the first, or to any notice except that in respect of which the proceedings are then being taken.

Where application in respect of nuisance must be made to High Court.

(4) No determination or order of the Provincial or Local Board of Health for the removal or abatement of any nuisance shall be enforced, except by order of the High Court of Justice, where such removal or abatement involves the loss or destruction of property of the value of \$2,000 or upwards, and upon any application to the High Court the order of the Provincial or Local Board shall not be evidence that the matter or thing complained of was or is in fact a nuisance.

## CHAPTER 46.

An Act to amend the Act to impose a Tax on Dogs, and for the Protection of Sheep.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

R. S. O. c. 194, s. 16, amended. Apportionment of damage.

1. Section 16 of *The Act to impose a Tax on Dogs and for the Protection of Sheep*, chapter 194 of the Revised Statutes, is hereby amended by adding thereto the sub-sections following:

(2) If it shall appear before the court or judge at the trial of any such action for damages, or before such justice at the hearing

ing of the said information or complaint before him, that the damage or some part of the damage sustained by such aggrieved party was the joint act of some other dog or dogs, and of the dog or dogs owned or kept by the person charged in such information or complaint, the court, judge or justice shall have power to decide and apportion the damages sustained by the complainant, among and against the respective owners or keepers of the said dogs, as far as such owners or keepers are known, in such shares and proportions as such court, judge or justice shall think fit, and to award the same by the judgment of the said court or judge, or in the conviction of such justice on behalf of such aggrieved person.

(3) When in the opinion of the court, judge or justice, the damages were occasioned by dogs the owner or owners of which are known, and dogs the owner or owners of which are unknown, or the owner or owners of which have not been summoned to appear before the court, judge or justice, the court, judge or justice may decide and adjudge as to the proportion of such damages which, having regard to the evidence adduced as to the strength, ferocity and character of the various dogs shewn to have been engaged in committing such damage, was probably done by the dogs the owner or owners of which have been summoned to appear before such court, judge or justice, and shall determine in respect thereof and apportion the damage which such court, judge or justice decides to have been probably done by the dogs whose owners have been summoned, amongst the various owners who have been summoned as aforesaid.

(4) The same proceedings shall be thereupon had against any person found by such judge or justice to be the owner or keeper of the dog or dogs which by such court, judge or justice shall have been found to have contributed to the damage sustained by the person aggrieved, as if the information or complaint had been laid in the first instance against such person.

(5) The court, judge or justice shall not decide and apportion the said damage against any person other than the person in the information or complaint first charged, nor award the same in the said judgment or conviction without such other person having been summoned to appear before such court, judge or justice, and having had an opportunity of calling witnesses.

(6) Appeals from or against any conviction, or order under the said 16th section, or from or against any apportionment or order made under this Act, shall be made to the Division Court holden in the Division in which the cause of action arose, or in which the party complained against, or one of them resided at the time of making the complaint; and the proceedings shall be the same as nearly as may be, as provided by the sections numbered from 50 to 53 of *The Division Courts Act, 1880*.

## CHAPTER 47.

## An Act to amend the Ditches and Watercourses Act, 1883.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

46 V. c. 27, s.  
3, amended.

1. Section 10 of *The Ditches and Watercourses Act, 1883*, is hereby amended by adding thereto the following words, "and the Clerk shall keep a book in which he shall record the names of the parties to whom he has sent such notice the address to which the same was sent, and the date upon which the same was deposited in the post office or personally served."

46 V. c. 27, s.  
11, amended.

2. Section 11 of the said Act is hereby amended by striking out the word "ten" where it occurs in the second line of the said section and inserting the word "fifteen" in lieu thereof.

Time within  
which appeal  
to be heard.

3. It shall be the duty of the Judge to hear and determine an appeal under the provisions of the said Act, within one month after receiving notice of the appeal as provided by section 11, but his neglect or omission so to do shall not render invalid the hearing or determining of the appeal after the lapse of that time.

Interpretation  
"non-resi-  
dent."

4. A "non-resident" within the meaning of section 16 of the said Act, shall include a person who does not reside within the municipality in which the lands which he owns are situate and in respect of which proceedings are taken or to be taken under the provisions of the said Act; and where the place of abode of a non-resident is not known, notices under the provisions of the said Act requiring to be served on such non-resident may be served in such manner as the Judge of the County Court may direct.

Service of  
notice.

46 V. c. 27, s.  
18, amended.

5. Section 18 of the said Act is hereby amended by adding after the word "enlargement," in the tenth line thereof, the words "if such be necessary."



## CHAPTER 48.

## An Act respecting the Education Department.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. There shall be a Department of Education, which shall consist of the Executive Council, or a Committee thereof appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." (R. S. O. c. 203, s. 1.)

2. The office of Minister of Education may be held by a member of the Executive Council holding no other office; and notwithstanding any salary attached thereto, he shall be capable of being elected, and sitting and voting as a member of the Legislative Assembly; or such office may be held in connection with any other office held by a member of the Executive Council; and any of the powers and duties of the said office may be assigned for a limited period, or otherwise, to any other of the members of the Executive Council holding any other Departmental office, by name or otherwise. (R. S. O. c. 203, s. 2.)

3. In case a member of the Executive Council holding any one of the five Departmental offices established by section 63 of the *British North America Act, 1867*, and being at the same time a member of the Legislative Assembly, resigns his office, and within one month after his resignation accepts the office of Minister of Education, he shall not thereby vacate his seat in the Legislative Assembly, unless the Administration of which such person was a member has resigned, and in the interval a new Administration has occupied the said offices; or in case such member of the Executive Council is appointed to hold the office of Minister of Education in addition to or in connection with one of the said five Departmental offices, he shall not thereby vacate his seat in the Legislative Assembly; and in either of the said cases any increase or change of emolument arising from the office of Minister of Education shall not cause any vacancy, or render a re-election necessary. (R. S. O. c. 203, s. 3.)

4. The Education Department shall have power

Powers.

(1) To make regulations for the classification, organization, discipline and government of Normal, Model, High, Public and

Regulations.

Separate Schools; for the equipment and ventilation of school houses; for the arrangement and requisites of school premises; for the authorization of text-books for the use of pupils, and for determining the qualifications and duties of inspectors, examiners, teachers and assistants in High Schools. (R. S. O., c. 203, s. 4 (1) (13) (27) (28) (29).)

Appointment  
of Inspectors.

(2) To appoint Inspectors of High Schools, Separate Schools, and County Model Schools, Masters of Provincial, Normal and Model Schools, and Directors of Teachers' Institutes. (R. S. O., c. 203, s. 4 (3), s. 5 (12).)

Central Com-  
mittee of  
Examiners.

(3) To appoint a Central Committee of Examiners of not more than seven persons, whose duty it shall be, under the directions of the Minister, to prepare examination papers for the annual Departmental examination of teachers, for the closing examination of the Normal Schools and County Model Schools, and the admission of pupils to High Schools and Collegiate Institutes, and to report to the Minister the results of such examinations. (R. S. O. c. 203, s. 4 (6).)

Model Schools  
for teachers of  
Separate  
Schools.

(4) To authorize a Separate School in any county to be constituted a Model School for the training of teachers for Separate Schools, and in such case or where, from the special circumstances of the Separate Schools in any county, may be deemed expedient to appoint one competent person possessing the qualifications prescribed by the Education Department, to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of the said board. (42 V. c. 34, s. 27.)

Training of  
teachers.

(5) To set apart, subject to such regulations as may be made in that behalf, not more than five High Schools or Collegiate institutes for the purpose of providing such instruction in the theory and practice of teaching as may be deemed necessary for promoting the efficiency of assistant masters of High Schools and Collegiate Institutes, and of teachers holding a first-class non-professional Public School certificate.

Admission to  
High Schools  
and Collegiate  
Institutes.

(6) To prescribe the subjects, times, places and extent of the examination of pupils for admission into High Schools and Collegiate Institutes, and to determine the standard to be obtained by each pupil at such examination. (R. S. O., c. 203, s. 4 (5).)

Acceptance of  
examinations  
of learned  
societies.

(7) To arrange with learned societies in Canada or the British Dominions, or with the Law Society, the College of Physicians and Surgeons or any chartered University in the British Dominions for reciprocally accepting in such subjects as may be agreed upon the examinations of the aforesaid institutions, as the equivalent of the Departmental examinations. (R. S. O., c. 203, s. 4 (5).)

Pensions.

(8) To make regulations for granting the pensions provided by law for superannuated inspectors and teachers. (42 V., c. 34, s. 1.)

(9)

(9) To examine, and at its discretion, recommend and authorize text-books, or books of reference for the use of pupils and teachers, or books for school libraries. To recommend text and library books.

(10) To prescribe such forms for school registers and departmental reports as may be deemed expedient. To prescribe forms for school registers, etc.

(11) To make, from time to time, regulations for the distribution within the restrictions imposed by *The High Schools Act*, of the High School Fund, among the several High Schools and Collegiate Institutes entitled to receive it. (R. S. O., c. 203, s. 4 (2).) To make regulations as to High School Grants.

(12) To deduct (should the Municipal Corporation of any county, city, town or village raise in any one year a less sum than that apportioned to it out of the Legislative school grant) a sum equal to the deficiency, from the apportionment to such county, city, town or village, in the following year. (R. S. O., c. 203, s. 6 (6).) Short municipal assessment.

(13) To make such regulations respecting the imposition of fees on candidates for teachers' certificates, as would meet all the expenses of Departmental and County Model School Examinations. Fees for teachers' certificates.

(14) To extend on the petition of a Board of School Trustees, and such evidence as to efficiency as may be deemed necessary, any third class certificate issued under the authority of *The Public Schools Act*. Extension of third class certificates.

(15) To make regulations for the organization and management of Art Schools, to prescribe a curriculum of studies for such schools, and on examination award certificates valid in any municipality of the Province, to such candidates as may present themselves. Regulations for organization and management of art schools.

(a) Certificates awarded under this sub-section may be of two grades, and shall entitle the holders thereof to teach Drawing in High Schools, Public Schools, County Model Schools and Mechanics' Institutes.

(b) Certificates from any Art School in the British Dominions may be accepted as equivalent to any issued as herein provided.

(16) To designate, from time to time, the number and locality of such meteorological stations as the Department may think desirable to establish in connection with the High Schools of the Province; and to authorize such forms of reports and meteorological journal to be used by the observers at such stations as it may judge necessary. Meteorological stations.

5. The Minister of Education shall report annually to the Lieutenant-Governor upon the Normal, Model, High, Public and Separate Schools and Collegiate Institutes, with such statements and suggestions for promoting education generally as he may deem useful and expedient. Annual report to be made by Minister of Education.



Power to settle disputes and complaints.

6. The Minister of Education shall have power to decide upon all disputes and complaints laid before him, the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any Inspector or other school officer. (R. S. O., c. 203. s. 6 (4.)

Regulations and Orders in Council to be laid before Legislative Assembly.

7. (1) Every Regulation or Order in Council made under this Act or under the Public and High Schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made.

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

## CHAPTER 49.

### An Act to Consolidate and Amend the Public Schools Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

#### *Preliminary.*

- |                 |  |
|-----------------|--|
| Short title.    | 1. This Act may be cited as " <i>The Public Schools Act, 1885.</i> "   |
| Interpretation. | 2. In the construction of this Act,  |
| "Teacher."      | (1) "Teacher" shall include female as well as male teachers.   |
| "County."       | (2) "County" shall include a Union of Counties.  |
| "Township."     | (3) "Township" shall include Unions of Townships made for Municipal purposes.  |
| "School site."  | (4) "School site" shall mean such area of land as may be necessary for the school building, teacher's residence, offices and play-grounds connected therewith. |
|                 | (5)  |

(5) "Owner" shall include a mortgagee, lessee or tenant, or "Owner," other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided.

(6) "Resident" shall include such persons who, though not "Resident," actually resident in a school section or division, pay a school rate at least equal to the average school rate paid by the actual residents of such section or division. [See 43 V., c. 32, s. 2.]

(7) "Ratepayer" shall mean an assessed householder, owner "Ratepayer," or tenant, or any person entered on the assessment roll as a farmer's son, or any person assessed for income.

3. Nothing in this Act authorizing the levying or collecting of rates on taxable property for Public School purposes shall apply to the supporters of Roman Catholic Separate Schools. [R. S. O., c. 204, s. 4.]

No rate on supporters of Roman Catholic Separate Schools.

4. All Public School sections or other Public School divisions, together with all elections and appointments to office, all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to Public Schools, and existing when this Act comes into force, shall be subject to the provisions of this Act. [R. S. O., c. 204, s. 5.]

Existing school arrangements continued.

5. The term for which each school trustee holds office at the time this Act takes effect, shall continue as if such term had been created by virtue of an election under this Act. [R. S. O., c. 204, s. 6.]

Trustees term of office.

#### *Public Schools to be Free.*

6. All Public Schools shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. [R. S. O., c. 204, s. 7.]

Public schools to be free.  
School age.

#### *Religious Instruction.*

7. No person shall require any pupil in any Public School to read or study in or from any religious book, or to join any exercise of devotion or religion, objected to by his or her parents or guardians. [R. S. O., c. 204, s. 9.]

Pupils not to be required to join in religious exercises objected to by their parents.

8. Pupils shall be allowed to receive such religious instructions as their parents or guardians desire, according to any general regulations provided for the organization, government and discipline of Public Schools. [R. S. O., c. 204, s. 10.]

To receive religious instruction as their parents desire.

#### *Rural Public Schools.*

9. The municipal council of each township shall form portions of the township, where no schools have been established, into school sections, each section to be distinguished by

School sections.

by a number ; provided that no section so formed shall include any territory more than three miles in a direct line from the site of the schoolhouse. This section shall not apply to townships in which there is a township board.

New school  
sections  
their size.

**10.** No section shall be formed which contains less than fifty actual resident children, between the ages of five and twenty-one years, unless the area of the section contains more than four square miles. [R. S. O., c. 204, s. 78, sub-s. (a).]

Township  
Clerk to pre-  
pare maps of  
school sec-  
tions.

**11.** It shall be the duty of every Township Clerk to prepare in duplicate, a school map of the Township, shewing the divisions of the Township into school sections and parts of union school sections, to furnish one copy of such map to the County Clerk, for the use of the County Council, and retain the other in the Township Clerk's office, for the use of the Township corporation. [R. S. O., c. 204, s. 108, (1) and (2).]

Trustees' meet-  
ing of office.

**12.** For each rural school section there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. [R. S. O., c. 204, ss. 17, 48.]

Trustees,  
qualification  
of.

**13.** The persons qualified to be elected trustees shall be such persons as are actual resident ratepayers within the school section, and of the full age of twenty-one years, and are not disqualified under this Act. [R. S. O., c. 204, s. 18.]

Electors, qua-  
lification of.

**14.** Every ratepayer of the full age of twenty-one years, who is a public school supporter within the section for which he is such ratepayer, shall be entitled to vote at any election for school trustee, or on any school question whatsoever, at any annual or special meeting in the said section [R.S.O., c. 204, s. 52.]

Annual meet-  
ing when held.

**15.** A meeting of the ratepayers of each section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees. [R. S. O., c. 204, s. 39 ; 42 V., c. 34, s. 9.]

Meetings to be  
called in de-  
fault of first  
or annual  
meetings.

**16.** In case, from the want of proper notice or other cause, any first or annual school section meeting, required to be held for the election of trustees, was not held at the proper time, the Inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. [R. S. O., c. 204, s. 53.]



**17.** The electors of such school section present at such meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary, who shall record the proceedings of the meeting, and perform such other duties as may be required of him by this Act. [R. S. O., c. 204, s. 45.] Order of business.

(1) The business of such meeting may be conducted in the following order:—

- (a) Receiving the annual report of the trustees, and disposing of the same;
- (b) Receiving the annual report of the auditor or auditors, and disposing of the same;
- (c) Electing an auditor for the current year;
- (d) Miscellaneous business;
- (e) Electing a trustee or trustees to fill any vacancy or vacancies.

**18.** The chairman shall preside and submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting. [R. S. O., c. 204, ss. 46 and 47; 42 V., c. 34, s. 34.] Chairman, duties of.

**19.** When a poll is demanded by two electors at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified electors who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter. [R. S. O. c. 204, s. 47; 42 V., c. 34, s. 6.] Proceedings in case of a poll.

**20.** In case a poll is demanded upon any public school question by any two electors the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.' [42 V., c. 34, s. 6.] Entries in poll book.

**21.** In case any objection is made to the right of any person to vote at any annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation: When voter is objected to.

Declaration. (1) I, A.B., do declare and affirm, that I am an assessed ratepayer (or farmer's son, *as the case may be*) in School Section .

(2) That I am of the full age of 21 years.

(3) That I am a supporter of the Public School in said School Section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. [42 V. c. 34. s. 3.]

When poll shall close.

22. The poll at every election of a Rural School trustee or trustees or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced. [R. S. O., c. 204, s. 41.]

Trustee to make a declaration of office.

23. Every person elected as trustee, and who is eligible and liable to serve as such, shall before entering upon his duties make the following declaration of office before the chairman of the school meeting, or before any Justice of the Peace; or if the chairman is elected trustee, he may make said declaration before the secretary of the meeting:

Declaration.

"I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of School Trustee, to which I have been elected." [R. S. O., c. 204, s. 19.]

Term for vacancies.

24. Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. [R. S. O., c. 204, s. 37.]

Trustees may resign.

25. Any trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. [R. S. O., c. 204, s. 20.]

Re-election of any trustee lawful.

26. Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. [R. S. O., c. 204, s. 36.]

When corporation ceases by want of Trustees.

27. No School Corporation shall cease to exist by reason of the want of trustees, but in case of any such want any two ratepayers of the section, or the Inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in the 17th and following sections of this Act; and the trustees thus elected shall hold and retire from office in the manner prescribed by section 30 of this Act. [R. S. O., c. 204, part of s. 21.]

Tenure of office.

**28.** Wherever a new school section is formed in any Township, as provided in section 81 of this Act, the Municipal Council shall appoint a person to call the first school meeting for the election of trustees, and the Clerk of the Township shall give notice of the description and number of such school section to the person so appointed, who shall, within twenty days after receiving such notice, prepare a notice in writing, describing the section, and appointing a time and place for the first school section meeting, and shall cause copies of the notice so prepared by him to be posted in at least three of the most public places in the new school section, at least six days before the time of holding the meeting. [R. S. O., c. 204, ss. 43, 44, 78 (3), 108 (7).]

Proceedings on the formation of a new school section.

A meeting in new section to be called within twenty days.

**29.** The meeting shall be organized, and the proceedings conducted, (as near as may be), according to the provisions of sections 17 to 22 of this Act, inclusive.

How meeting to be organized.

**30.** The trustees elected at a first school section meeting shall respectively continue in office as follows :—

Term of office of each Trustee.

(1) The first person elected shall continue in office for two years, to be reckoned from the annual school meeting next after his election, and thence until his successor has been elected ;

First.

(2) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;

Second.

(3) The third, or last person elected, shall continue in office until the next ensuing annual school meeting in such section, and until his successor has been elected. [R. S. O., c. 204, s. 49.]

Third.

(4) In case of a poll being taken for one or more trustees at a first school section meeting, then the trustees shall rank in seniority according to the number of votes polled, and in case of a tie, then in the order of their nomination.

**31.** A correct copy of the minutes of a first and of every annual and of every special school section meeting, signed by the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the County Inspector. [R. S. O., c. 204, s. 50.]

Copy of minutes to be sent to Inspector.

**32.** When complaint is made to the Inspector by any rate-payer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with the provisions of this Act, the Inspector shall investigate the same, and confirm or set such election or proceeding aside, and appoint the time and place for a new election, or for the reconsideration of a school question, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any Inspector unless

Complaints as to elections.

**made**



made to him in writing, within twenty days after the holding of such election or meeting. [R. S. O., c. 204, s. 194, sub-s. 9, (a) and (b).]

Trustees  
a Corporation

**33.** The trustees of every such school shall be a corporation under the name of "The Board of Public School Trustees for School Section — of the Township of — in the County of —. [R. S. O., c. 204, s. 21 part.]

(a) The Board (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. [See R. S. O., c. 204, s. 98, 102 (1).]

(b) The secretary-treasurer, who may be a member of the Board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the Clerk of the municipality. [R. S. O., c. 204, s. 102 (1), (1 a) part, and (6).]

Secretary-  
Treasurer,  
duties of.

**34.** It shall be the duty of the secretary-treasurer :

(a) To keep a full and correct record of the proceedings of every meeting of the Board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee.

(b) To receive all school moneys collected from the inhabitants or ratepayers of the section or other persons, and to account for the same.

(c) To disburse all moneys in the manner directed by a majority of the trustees.

(d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation.

(e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. [R. S. O., c. 204, ss. 100, 102, (1a), (5b), part.]

Notices of  
meetings,  
how given.

**35.** Notice of all meetings shall be given by the secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. [R. S. O., c. 204, s. 97.]

Corporate acts  
must be  
adopted at  
lawful trustee  
meetings.

**36.** No act or proceeding of a rural School Corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. [R. S. O., c. 204, s. 99.]

Appointment  
of Auditor.

**37.** (1) Every Board of School Trustees shall on or before the first day of December appoint an auditor, and in case of their neglect,

neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall (at the request in writing of any two ratepayers) make such appointment. [R. S. O., c. 204, s. 102 (3), (3a).]

(2) It shall be the duty of the trustees, or their secretary-treasurer to lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys.

**38.** The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, <sup>Time of audit.</sup> appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. [R. S. O., c. 204, s. 115.]

**39.** It shall be the duty of the auditors of every school <sup>Duties of auditor.</sup> section:—

(1) To examine into and decide upon the accuracy of the accounts of such section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting.

(2) In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the County Inspector.

(3) If both of the auditors object to the lawfulness of any expenditures made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final.

(4) It shall be competent for the auditors or one of them—

- (a) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as such auditor or auditors may direct them or either of them to produce;
- (b) To administer oaths to such persons and witnesses;
- (c) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid; and the person named in such warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs, by seizure and

and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a Division Court has in enforcing a judgment and execution issued out of such Court;

- (d) The auditors shall remain in office until their audit is completed.

**40.** It shall be the duty of the Trustees—

Meetings to be  
appointed by  
the trustees.

Filling vacan-  
cies.

Notice.

(1) To appoint the place of each annual school meeting of the ratepayers of the section; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the section, at least six days before the time of holding such meeting. [R. S. O., c. 204, s. 102 (25)].

(a) Every such meeting shall be organized, and its proceedings recorded in the manner provided for in the seventeenth and following sections of this Act. [R. S. O., c. 204, s. 102, (25a)]

Adequate  
accommoda-  
tion.

(2) To provide adequate accommodation and a legally qualified teacher or teachers, according to the regulations prescribed by the Education Department, for two-thirds of the actual resident children between the ages of five and twenty-one years, as ascertained by the census taken by the Municipal Council for the next preceding year; provided always such actual residents are not to include the children of persons on whose behalf a separate school is established according to the provisions of the Separate School Act. [R. S. O., c. 204, s. 102 (8), (17)].

Apply to mu-  
nicipality for  
school moneys.

(3) To apply to the Township Council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school, or schools, and for any other school purposes authorized by this Act to be collected from the ratepayers of such section, or to raise the amount necessary for the purchase of school sites, the erection or otherwise acquiring of school-houses and their appendages and teacher's residence, either by one yearly rate or by debentures, as provided in section 130 of this Act, as may be required by the Trustees. [R. S. O., c. 204, s. 102 (12)].

Arrange  
payment of  
salaries.

(4) To arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. [See R. S. O., c. 204, s. 89 (1), 102 (11)].

Repairing,  
etc., school-  
house.

(5) To keep the school-house, furniture, outbuildings, and enclosures



enclosures in proper repair, and where there is no suitable school-house belonging to the section, or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, out-buildings and enclosures in proper repair. [R. S. O., c. 204, s. 102 (9 and 10)].

(6) To give notice in writing, before the fifteenth day of January in each year, to the Clerk of the Township and the Inspector in which their school is situate of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein. [45 V., c. 30, s. 4.]

Names and addresses of trustees, and teachers to be given to township clerk.

(7) To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons, notice of such exemption to be given by the trustees to the Clerk of the municipality, on or before the first day of August. [R. S. O., c. 204, s. 103 (5)].

Exempt indigent persons.

(8) To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school. [R. S. O., c. 204, s. 102 (22)].

Dismissal of refractory pupils.

(9) To take possession and have the custody and safe keeping of all Public School property which has been acquired or given for Public School purposes in the section; and to acquire and hold as a corporation, by any title whatsoever, any land, moveable property, moneys or income given or acquired at any time for Public School purposes, and to hold or apply the same according to the terms on which the same were acquired or received; and to dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes, or as directed by this Act. [R. S. O., c. 204, s. 102 (6 and 7).]

Custody of school property.  
Sale of school site or other property.

(10) To visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and to provide school registers and a visitors' book, in the form prescribed by the Education Department. [R. S. O., c. 204, s. 102 (21).]

Visit schools.

(11) To see that no unauthorized books are used in the school, and that the pupils are duly supplied with a uniform series of authorized text-books, sanctioned by the Education Department; and to procure annually, for the benefit of their school section, some periodical devoted to education, and to do whatever they may deem expedient in regard to procuring apparatus, maps, prize and library books for their school. [R. S. O., c. 204, s. 102 (23), 103 (1).]

Text-books.

Report at  
annual meet-  
ing.

(12) To cause to be prepared and read at the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipt and expenditure of all school moneys received and expended in behalf of the section, for any purpose whatever, during such year, and signed by the trustees and by either or both of the school auditors of the section. [R. S. O., c. 204, s. 102 (26).]

Annual and  
semi-annual  
returns.

(13) To transmit to the Inspector the semi-annual returns on or before the 30th day of June and 31st day of December respectively, and the annual return on or before the 15th day of January in each year according to the forms prescribed by the Education Department. [R. S. O., c. 204, s. 102 (27 and 28 a, b, c and d).]

### *Sections in Unorganized Townships.*

Formation of  
school sections

**41.** (1) In unorganized Townships in any County or District, it shall be lawful for the Stipendiary Magistrate thereof and the Public School Inspector (if any) of the County or District, or for the Stipendiary Magistrate alone, if there is no Inspector, and for the Inspector alone, if there is no Stipendiary Magistrate, to form a portion of a Township, or of two or more adjoining Townships, into a school section. [R. S. O., c. 204, s. 26.]

Limits of sec-  
tion.

(2) No such section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the same authority from time to time, and the alteration shall go into operation on the twenty-fifth day of December next after such alteration; provided always, no such school section shall be formed except on the petition of five heads of families resident therein. [R. S. O., c. 204, s. 26 (2) (3).]

Exemption  
from rates on  
account of  
distance.

**42.** Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the school-house of such section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school. [41 V. c. 8, s. 20.]

Election of  
school  
trustees.

**43.** After the formation of such a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. [R. S. O., c. 204, s. 27.]

Trustees'  
powers and  
obligations.

**44.** The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have all the powers and be subject to all the obligations of Public School Trustees generally. [R. S. O., c. 204, s. 28.]

**45.** The trustees so elected shall annually appoint a duly qualified person to make out an assessment roll for the section, and shall transmit a certified copy thereof to the Stipendiary Magistrate (or Inspector); and it shall be the duty of the Stipendiary Magistrate, or of the Inspector, if there is no Stipendiary Magistrate, to examine the said roll, and correct any errors or improper entries which he may perceive therein. [R. S. O., c. 204, s. 29.]

Annual assessment roll.

Revision of assessment roll.

**46.** A copy of the said roll, as so corrected, shall be open to inspection to all persons interested, at some convenient place in the section, notice whereof, signed by the Stipendiary Magistrate, or Inspector if there is no Stipendiary Magistrate, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the Magistrate or Inspector will hear appeals against said assessment roll; and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals. [R. S. O., c. 204, s. 30.]

Appeal against assessment roll.

**47.** All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Magistrate (or Inspector) shall have the same powers as such Court of Revision. [R. S. O., c. 204, s. 31.]

Manner of appeal.

**48.** The annual roll, as finally passed and signed by the Magistrate (or Inspector), shall be binding upon the trustees and ratepayers of the section until the annual roll for the succeeding year is passed and signed as aforesaid. [R. S. O., c. 204, s. 32.]

Confirmed and binding.

**49.** Where any Township under the jurisdiction of a Township Board is unorganized, appeals against its certified assessment roll, made out by a person appointed by the Board, shall be made to the Stipendiary Magistrate or Judge of the district or county, who has jurisdiction in other matters therein. [R. S. O., c. 204, s. 34.]

Appeals in unorganized township.

**50.** In forming union school sections between and out of an organized Township Municipality and an unorganized Township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the Stipendiary Magistrate shall act for the unorganized Township or locality, and the Reeve of the organized Township for his Township. [R. S. O., c. 204, s. 35.]

Union school sections.

**51.** The Trustees shall appoint some fit and proper person or one of themselves, to be a collector (who may also be secretary-treasurer), to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants

Appointment and duty of school collector.



habitants or others may have subscribed, or a rate-bill imposed on any person; and pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every such collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the Stipendiary Magistrate or the Inspector by the trustees. [R. S. O., c. 204, s. 102 (2); 42 V. c. 34, s. 11.]

Powers of  
School collector.

**52.** Every such collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, shall be under the same liabilities and obligations, and shall proceed in the same manner in his school section and Township, as a Township Collector does in his Municipality, in collecting rates in a Township or County, as provided in the Municipal Institutions and Assessment Acts from time to time in force. [R. S. O., c. 202, s. 113.]

Boards in Mu-  
nicipalities  
without  
county organi-  
zation.

**53.** In Municipalities composed of more than one Township, but without County organization, it shall be optional with the Municipal Council thereof to form portions of the Townships comprising the Municipality into school sections, or to establish a Board of Public School Trustees, two members being elected for each ward, and if not divided into wards, two for each Township thereof, and such Board shall possess all the powers and duties of Township Boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. [42 V. c. 34, s. 10.]

#### *Township Boards.*

Establishment  
of Township  
Boards.

**54.** At the annual meeting in any year of the school sections in a Township, the question of forming a Township Board may be submitted in each section for the decision of the meeting, and whenever in any Township, at any such annual meeting, two-thirds in number of the school sections so decide, the Council of such Township shall thereupon pass a by-law to abolish the division of the Township into school sections, and to establish a Public School Board accordingly; and this shall take effect on the first day of January in the next following year, and any portion of the Township forming a union, or being part of a school division with another municipality or portion thereof, shall be considered as a section in respect of the said requisite number of two-thirds of the school sections of the Township. [R. S. O., c. 204, s. 142; 43 V. c. 32, s. 10.]

Division of  
township  
into wards.

Management  
by Board

**55.** The Township Council shall, in the by-law for establishing the Public School Board, divide the township into four wards, which shall be the same from time to time as the wards for Municipal purposes, when such exist in any Township, and after such by-law goes into effect, all the Public Schools of the Township

Township shall be managed by one Board of Trustees. [R. S. O., c. 204, ss. 143, 144.]

**56.** At the first election, two resident ratepayers in the Township shall be elected school trustees in and for each ward, one of such trustees in each ward (to be determined by lot at the first meeting of the trustees after their election) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office for one year longer, and until his successor has been appointed, and shall then retire. [R. S. O., c. 204, s. 145; 44 V. c. 30, s. 9.]

Qualifications  
of members.

**57.** Such election shall take place annually at the time, in the manner, and as prescribed by this Act, for the election of trustees in towns divided into wards. [R. S. O., c. 204, s. 146.]

Time and  
manner of  
election.

**58.** The trustees so elected shall be a corporation under the name of "The Public School Board of the Township of \_\_\_\_\_ in the County of \_\_\_\_\_."

Board to be a  
Corporation.

**59.** (1) The Board (a majority of whom shall form a quorum) shall be constituted by the election of a Chairman and Secretary-Treasurer, and shall be invested with, and possess, exercise and enjoy all the rights, property, powers and incidents, and shall be subject to the same duties and obligations as trustees in rural school sections under the provisions of this Act, as well as those of Public Schools in Cities and Towns and in any other statute, by-law, regulation, deed, proceeding, matter or thing shall be construed to stand and to be substituted for each and all of the trustees of the former school sections of the Township. [R. S. O., c. 204, s. 147; 42 V. c. 34, s. 19.]

Powers of  
Board.

(2) The Board shall, when called upon, submit their accounts, books and vouchers to the Auditors of the Municipality, and it shall be the duty of the Municipal Auditors to audit such accounts in the same way and at the same time as the Municipal accounts are audited.

**60.** After the Public School Board is established, the portions of the Township theretofore united with an adjoining Municipality, or a portion thereof, shall cease to be so united on the first day of January next following the passing of the by-law for establishing the Township Board, and in the intervening period between the passing of the said by-law and such first day of January a new union may be formed under the provisions of this Act, under which the said former union may be continued or another union formed, but the portion of the Township in any former union shall remain liable for any rate such portion was subject to while so united, for the payment of any debt or loan, so far as the creditors or lenders thereof are concerned, and in cases where unions existing on the second day of March, 1877, are not re-formed under this Act, such unions

Effect as to  
parts united.

unions shall continue to exist under and subject to the provisions of the Acts in force at the time of their formation. [R. S. O., c. 204, s. 148]

Adjustment of all claims consequent on Board being established.

**61.** The Township Council shall, so soon as the by-law for establishing the Public School Board is passed, appoint the County Inspector jointly with two other competent persons, not residents of the Township, and they, or any two of them, shall, in a report to the Council, value the existing school houses, school sites, and other school property in each and every section, or portions of the Township, and ascertain their respective debts and liabilities; and the said arbitrators, or any two of them, shall thereupon adjust and settle, in such manner as they may deem just and equitable, the respective rights, claims and demands of each and every school section or portion of the Township, and the Township Council shall pass a by-law, and give full effect to the report of said arbitrators. [R. S. O., c. 204, ss. 78 (12) (13), 149.]

Adjustment of claims in cases of parts becoming disunited.

**62.** In cases where a portion of the Township Municipality, on the establishment of the Public School Board, ceases to be united with any other municipality, or portion thereof, the Council of each such Municipality shall respectively appoint one competent person, who, with the Inspector or Inspectors having jurisdiction in the respective Municipalities concerned, shall, in a report to the Councils of the respective Municipalities, value and adjust all rights and claims consequent upon such disunion between the respective portions of such Municipalities, and determine by what Municipality or portion thereof, and in what manner the same shall be settled, and the disposition of the property of the union and any payment by one portion to the other, and the report of the majority of said persons shall be valid and binding; and in cases where the persons to make this report would be an even number, the County Judge shall also be added. [R. S. O., c. 204, s. 150.]

Repeal of by law, and for re-forming sections.

**63.** In case twenty ratepayers in more than one-half of the school wards of the Township petition the Township Council to submit a by-law to the vote of the ratepayers of the Township for the repeal of the by-law under which the Public School Board was established, but not until after the Township Board has existed for five years at least, a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with the Municipal Institutions Act, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the Township Council shall pass a by-law to disestablish such Public School Board, and form school sections instead thereof; but no repeal shall take effect until the first day of the month of January next following, which will be more than three months after the voting upon the by-law for that purpose; and the Council shall also, in the same or another by-law, appoint the County



County Inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the Council, value the school houses, school sites, and other school property which may thereupon become the property of such school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section and the Township, and all payments to be made by or to any of them. [R. S. O., c. 204, s. 151.]

*Rural School Sites.*

**64.** Before any steps are taken by the trustees for securing a new school site on which to erect a new school-house, they shall call a special meeting of the ratepayers of the section, to consider the site proposed; and no change of school site shall be made, except in the manner hereinafter provided, without the consent of the majority of such special meeting. [R. S. O., c. 204, s. 120.] New site.

**65.** In case a majority of the trustees and a majority of the ratepayers present at such special meeting differ as to the situation of a new site, each party shall then and there choose an arbitrator, and the County Inspector, or, in case of his inability to attend, any person appointed by him to act on his behalf shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter or matters submitted to them. [R. S. O., c. 204, s. 121.] When trustees and ratepayers disagree  
Award.

**66.** With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within three months from the date of their award, to reconsider such award and make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least one year from the date thereof. [R. S. O., c. 204, s. 122.] Reconsideration of award.

**67.** If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the Inspector or any two of them, shall appraise the damages for such land. [R. S. O., c. 204, s. 123 and sub-s. 2.] Where owner refuses to sell.

**68.** If the majority of the school trustees, or the majority of a Public School meeting, neglect or refuse, where there is a difference in regard to the selection of a school site, to appoint Appointment of Arbitrators  
—their powers

appoint an arbitrator, as provided in section 67 of this Act, or if the owner of land selected as a school site, as provided by the said section of this Act, neglects or refuses to appoint an arbitrator, it shall be competent for the County Inspector with the arbitrator appointed, to meet and determine the matter; and the County Inspector, in case of such refusal or neglect, shall have a second or casting vote, if he and the arbitrator appointed do not agree. [R. S. O., c. 204, s. 124.]

Additional powers of arbitrators.

**69.** The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbrancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights. [42 V., c. 34, s. 15.]

Taking land.

(a) Upon the tender of payment of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the school trustees, the land shall be taken and used for the purpose aforesaid. [R. S. O., c. 204, s. 123 (3); 42 V., c. 34, s. 15.]

Proceedings where an arbitrator is absent.

**70.** If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and give the absent arbitrator notice of the adjournment. [R. S. O., c. 204, s. 125.]

Award to constitute title.

**71.** Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of one of the trustees verifying the same. [R. S. O., c. 204, s. 123 (7).]

Cost of Arbitration.

**72.** The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators, and the School Inspector respectively. [R. S. O., c. 204, s. 127 and (2).]

Selection of site.

**73.** A school site shall not be selected in a Township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of such site without his consent. [R. S. O., c. 204, s. 123 (4).]

**74.** It shall be competent for the trustees (without reference to a special meeting of the ratepayers),

(1) To enlarge any school site existing at the passage of this Act, as required by the regulations of the Education Department, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. [R. S. O., c. 204, s. 123 (5) and (6).]

Enlargement  
of school site.

(2) To select the site for, and establish and maintain an additional school or additional schools in the section, with the concurrence of the inspector, where, from the large size of the section, its physical conformation, or from any other cause, the children of the section are unable to attend the school established therein, and to procure or erect the necessary buildings for such additional school or schools. [R. S. O., c. 204, s. 103 (2) and (3); 41 V., c. 8, s. 22.]

Two or more  
additional  
schools in a  
section author-  
ized.

**75.** All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. [R. S. O., c. 204, s. 128.]

Who may con-  
vey school  
sites.

**76.** If the owner of land duly selected for the said purpose is absent from the County in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the Judge of the County Court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the Judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the Judge may order a notice to be inserted for such time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. [R. S. O., c. 204, s. 129.]

Remedy in  
case of absence  
of owner.

**77.** The said notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that

What notice  
shall contain.

Arbitrators.



that sum is not accepted ; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner ; and shall contain any other particulars which the County Judge may direct. [R. S. O., c. 204, s. 130.]

Judge may  
appoint an  
arbitrator.

78. If within such time as the Judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the Judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. [R. S. O., c. 204, s. 131.]

Responsibility  
of trustees as  
to compensa-  
tion.

79. Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land ; and after the trustees have taken possession of land any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. [R. S. O., c. 204, s. 132.]

In case of in-  
cumbrance.

80. If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the County Treasurer, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance ; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper Registry Office on an affidavit of one of the trustees verifying the same. [R. S. O., c. 204, s. 133.]

Deposit of  
Compensation  
money.]

Award to be  
registered.

### *Alteration of School Boundaries.*

81. Every Township Council shall have power,

Union of ex-  
isting sections

(1) To pass by-laws to unite two or more sections in the same township into one, in case (at a public meeting in each section called by the trustees or County Inspector for that purpose) a majority of the ratepayers present at each such meeting request to be united. [R. S. O., c. 204, ss. 78 (2), 194 (29) (30).]

(2)

(2) To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified in such manner as the Council may deem expedient of the proposed proceeding for this purpose, or of any application made to the council to do so. [R. S. O., c. 204, s. 81.]

Alteration,  
etc., of school  
sections.

(3) Any such by-law shall not be passed later than the first day of May in any year, and shall not take effect before the twenty-fifth day of December next thereafter, and it shall be the duty of the Township Clerk to send forthwith, after such by-law has been passed, a copy of the by-law and minutes relating to the formation or alteration or union to the trustees of every school section affected thereby, and to the Public School Inspector. [R. S. O., c. 204, ss. 78 (4), 84, 108 (8).]

**82.** (1) A majority of the trustees, or any five ratepayers of one or more of the school sections concerned, may appeal to the County Council of the Township in which such section or sections are situated, against any by-law or resolution passed at any time previously by the Township Council for the formation, division, union or alteration of their school section or school sections, or against the neglect or refusal of the Township Council (on application being made to it by the trustees, or Inspector, or any five ratepayers concerned) to form, divide, unite or alter the boundaries of a school section or school sections within such township. [R. S. O., c. 204, ss. 83, 88.]

Appeal to  
County  
Council.

(2) The County Council shall forthwith appoint as arbitrators not more than five, or less than three, competent persons (two of whom shall be the County Judge, or some person named by him, and the County Inspector), and a majority of whom shall form a quorum to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the twenty-fifth day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the Township Council, but such change shall be subject to the like appeal to the County Council; Provided, that where the decision of the arbitrators does not affirm that of the township council, and an application for reconsideration signed by a majority of the ratepayers affected by the decision of the arbitrators, or signed by a majority of the trustees of the section or sections affected by the decision, is delivered to the judge of the County Court within three months of the giving of the decision, the arbitrators may reconsider the matter, and if they think fit may vary such decision, and

Appointment  
of Arbitrators.

Proviso.

and shall in such case direct at what time the decision as varied shall go into effect, and the five years hereinbefore limited shall in such case be computed from the time when the decision varying the former decision is given.

(3) The preceding provision shall apply to any case decided by any such arbitrators within one year prior to the passing of this Act, where the application for reconsideration is made within one month after this Act takes effect.

Who may not  
act as arbitra-  
tors.

(4) No person shall be competent to act as arbitrator, who is a member of the Township Council, or who was such member at the time at which the Council passed or refused or neglected to pass the by-law or resolution.

Notice.

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the Inspector to the Clerk of the Township and to the trustees of the school sections concerned. [R. S. O., c. 204, s. 88 (2), (3), (4).]

Adjustment of  
claims  
between " -  
unions in same  
township.

**83.** On the formation, dissolution, division or alteration of any school section in the same Township, in case the trustees of the sections interested are unable to agree, the County Inspector and two other persons appointed by the Township Council as arbitrators shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the Township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. [R. S. O., c. 204, s. 85 *part.*]

Disposal of  
school pro-  
perty when  
not wanted.

**84.** In case a school site or school house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, by sale or otherwise, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the inhabitants transferred from one school section to another shall be entitled, for the Public School purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school house or other Public School property as the assessed value of their property bears to that of the other inhabitants of the school section from which they have been so separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other Public School purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like Public School purposes of such united sections. [R. S. O., c. 204, s. 86.]

*Formation*



*Formation and Dissolution of Union School Sections Composed of Parts of Two or More Municipalities.*

**85.** A Union school section may be formed between (a) What unions may be formed. parts of two or more adjoining Townships; (b) parts of one or more Townships and an adjoining Town or Incorporated Village. [R. S. O., c. 204, s. 137.]

**86.** The following shall be the procedure for the formation, alteration or dissolution of union school sections:— Procedure for formation, alteration or dissolution of union schools.

(1) On the joint petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a Union School section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the Inspector or Inspectors, who shall be *ex officio* arbitrators. [R. S. O., c. 204, s. 137 (3), *in part*, also 140.]

(2) In cases where the persons so appointed arbitrators would be an even number, the Senior County Court Judge shall be added, or in the case of an arbitration affecting two or more counties, then the Senior County Court Judge of the county having the largest population according to the last Dominion census. [R. S. O., c. 204, s. 137 (5).]

(3) The first meeting of the arbitrators shall be called by the Inspector representing the greatest number of schools and such Inspector shall give reasonable notice in writing of such meeting to the clerks of the municipalities concerned.

(4) The arbitrators, or a majority of them, shall report to the municipalities concerned upon the expediency of such union, the specific parcels of land to be included in such union, and the proportion in which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school, and other requisite expenses. [R. S. O., c. 204, s. 137 (3).]

(5) On the receipt of the report of the arbitrators the Council of each municipality shall pass a by-law confirming the same, a copy of which shall be sent by the clerk to the Inspector or Inspectors concerned.

(6) The Inspector, entitled under sub-section three to call the meeting of the arbitrators, shall appoint a person to call the first meeting for the election of Trustees, who shall proceed as in section 28 of this Act.

(7) Such union shall not take effect until the twenty-fifth day of the month of December, which will be at least three months after the passing of such by-laws respectively. [R. S. O., c. 204, s. 137 (2).]

(8)

(8) On the appointment of arbitrators to consider the alteration or dissolution of a union school section, it shall be the duty of such arbitrators to report to the respective municipalities concerned upon the expediency of such alteration or dissolution, and in the event of their reporting in favour of an alteration or dissolution, they shall at the same time value and adjust in an equitable manner all rights and claims consequent upon such alteration or dissolution between the respective municipalities concerned, and determine in what manner and by what municipality or what portion thereof, the same shall be settled; and the disposition of the property of the union, and any payment by one portion to the other, and such valuation, adjustment and determination, shall form and be considered as an integral portion of their report.

(a) On the receipt of the report of the arbitrators the Council of each Municipality shall pass a by-law confirming the same, a copy of which shall be sent forthwith by the Clerk to the Inspector or Inspectors concerned.

(9) No alteration or dissolution of a Union School shall take effect before the twenty-fifth day of December in any year which will be at least three months after the passage of the by-laws respectively. [R. S. O., c. 204, s. 140.]

(10) Nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section as may be deemed expedient.

Appeal relating to Union School within a county.]

87. When the Union School section lies wholly within a county the trustees or any five ratepayers in the union section concerned, or the Inspector or Inspectors, may within six months after the passing thereof appeal in writing to the County Council against any by-law passed by the municipalities either for the formation, alteration, or dissolution of such section, and on the receipt of such appeal the County Council shall have power to proceed as provided in section 82 for the alteration of the boundaries of sections within a Township, and the arbitrators appointed as therein provided shall have power to revise, alter or determine such by-law, and the decision of a majority shall be final and conclusive. [See R. S. O., c. 204, s. 82.]

Appeals relating to Union School within two or more counties.

88. When the Union School section lies partly within two or more counties the trustees or any five ratepayers in the Union School section concerned, or the Inspector or Inspectors, may within six months after the passing thereof appeal against any by-law passed by the Municipalities for the formation, alteration or dissolution of such section, to the Minister of Education, who shall have power to alter, determine or confirm such by-law, and his decision shall be final and conclusive.

**89.** Every Union School section composed of the whole or parts of two or more Township Municipalities, shall be held for all school purposes, as within the Township Municipality in which the school house is situated, and if there are two or more school houses, then in the Township Municipality with the largest amount of assessed property; and the school rates of such union section shall thenceforth be collected by the respective collectors of the Township Municipality in which each part of the union section is respectively situate, and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the Treasurer of the Township Municipality in which such part of the union section is situate, and such Treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. [R. S. O., c. 204, s. 139; 42 V., c. 34, s. 16; 43 V., c. 32, s. 3; 45 V., c. 30, s. 5.]

Payment to trustees of union school sections.

**90.** (1) The union of part of one or more townships with a town or incorporated village shall be deemed one school section, and as belonging to such town or village, and the provisions of this Act respecting public schools in towns or villages shall apply thereto: and such part of the township for all school purposes, shall be deemed to be united to such town or village. [R. S. O., c. 204, s. 139.]

Union of parts of townships to be one school section.

(2) In the case of a town or incorporated village divided into wards to which a part of an adjoining township or townships is attached for school purposes, the Board of Trustees of such union school section shall by resolution determine in which ward or wards the ratepayers in such part shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent.

**91.** (1) Once in every three years the assessors of the Municipalities in which a Union School Section is situated, shall after they have completed their respective assessments and before the date fixed by the Assessment Act for the return of the roll, meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon, and collected from the taxable property of the respective municipalities out of which the Union School Section is formed, and in the event of the said assessors disagreeing as to such proportion the Inspector in whose district the union school section is situated shall name a third person, who with the Assessors aforesaid shall determine the said matter and report the same to the Clerks of the respective municipalities, and the decision of a majority shall be final and conclusive for the said period of three years.

Assessors to determine proportion.

(2) When the union school section is composed of portions of two adjoining counties then on the disagreement of the said assessors

assessors.



assessors the Inspector of the county concerned containing the greatest number of schools shall name an arbitrator.

Confirmation  
of by-laws for  
certain pur-  
poses.

**92.** Any by-law passed for the formation, alteration or dissolution of school sections, shall become absolutely legal and valid, and the jurisdiction of any court to question the same shall be deemed to be ousted when such by-law has been submitted to and confirmed by the Minister of Education, who shall require notice to be given of such application by the parties applying, by advertisement or otherwise, as he may direct, and the certificate of the Minister of Education endorsed on a certified copy of such by-law shall be conclusive evidence of such confirmation, and the provisions of this section may be taken advantage of for the confirmation of any by-law for any of such purposes heretofore passed and not quashed or otherwise declared invalid, and this section shall be deemed to apply to any such by-law. [43 V., c. 32, s. 8.]

Continuation  
of boundaries  
of rural sec-  
tions.

**93.** In case a portion of the territory composing one or more school sections becomes incorporated as a village or town, the boundaries of such school section or sections shall continue in force and be deemed a Union School Section, notwithstanding such Act of incorporation, until altered as provided in section 86 of this Act.

*Public School Boards in Cities, Towns and Incorporated Villages.*

First  
election of  
trustees.

**94.** On the incorporation of any city, town or incorporated village, the first election for school trustees shall be held as provided in section 98 of this Act, unless otherwise ordered, as provided by section 104 of this Act.

Trustees in  
city, &c.,  
divided into  
wards.

**95.** (1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. [R. S. O. c. 204, ss. 22 and 23.]

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire. [R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.]

Trustees in  
village not  
divided into  
wards.

**96.** (1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected.

(2)

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire. [R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7.]

**97.** Every trustee shall continue in office until his successor has been elected. [R. S. O., c. 204, s. 58.] Term of office.

**98.** The annual and other elections of Public School Trustees, unless otherwise ordered, as provided by section 104 of this Act, shall be subject to the following provisions : Provisions for elections of trustees of Public School Corporations.

(1). A meeting of the electors for the nomination of candidates for the office of Public School Trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday on the day following, at such place as shall from time to time be fixed by resolution of the Public School Board, and in municipalities divided into wards, in each ward thereof, if the Board in its discretion thinks fit Nominations.

(2). The Public School Board shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the Public School Board shall give at least six days' notice of such meeting. Returning Officer.

(3). If at the said meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the Secretary of the Public School Board; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined, by resolution of the said trustees. Proceedings - nominations.

(4). The poll or polls shall be opened at the hour or ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. Hours of polling.

(5). The Public School Board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who Place for nomination and election.

who shall preside at the respective polling places, and forthwith give public notice thereof.

Duty of returning officer after close of election.

(6). The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the Secretary-treasurer of the Public School Board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of Secretary.

(7). The Secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall, at noon on the day following the return of the poll books, put up in some conspicuous place in the municipality, and at one or more of the school-houses therein, a statement shewing the number of votes for each candidate; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Casting vote.

(8). In case two or more candidates have an equal number of votes, the member of the Board present who is assessed highest as a ratepayer on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Judge of County Court to receive and investigate complaints.

(9). The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of a Public School Board in any Municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the Secretary-treasurer of the Public School Board. [42 V. c. 34, s. 7, (9); 44 V. c. 30, s. 9, (2).]

Vacancy in office of trustees.

(10). In case of any vacancy in the office of trustee of any Public School Board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the



the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

(11). The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the Public School Board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. [42 V. c. 34, s. 7 (1) to (11).] Proceedings at new election.

99. Except as hereinafter provided the voting shall be by open vote, and the provisions of the Act respecting voting by ballot shall not apply to such election. [R. S. O. c. 204, s. 59; 42 V. c. 34 s. 7.] Voting to be open.

100. In Cities and Towns divided into wards, and in Townships where Public School Boards exist, the Clerk of the Municipality shall furnish to the Public School Board, within three days after request in writing, 'The Voters' List' for each ward of such Municipality, annexing thereto a list of the names of persons being supporters of Separate Schools, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon 'The Voters' List.' [42 V. c. 34, s. 4.] In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards.

101. In Towns not divided into wards and Villages, the Clerk of the Municipality shall furnish to the Public School Board within three days after request in writing, 'The Voters' List' for each polling sub-division in the case of such Town or Village, as provided by the last preceding section [42 V. c. 34, s. 5.] In towns not divided into wards, Clerk to furnish Voters' List to Public School Trustees.

102. The Public School Board shall provide each polling place with the list aforesaid, and also a poll book; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter, and in case of a poll demanded upon any Public School question, the name of each voter shall be similarly placed in separate columns, marked 'for' or 'against.' [42 V. c. 34. s. 6.] Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

103. It shall be the duty of the Board to call and give notice of annual and special school meetings of the ratepayers of the City, Town or Village, or of any Ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, Trustees to give notice of annual and special meetings.

purpose, in the manner prescribed by this Act. [R. S. O. c. 204, s. 104 (26.)]

Elections of trustees on same day as municipal elections.

**104.** (1) The Board of Public School Trustees, or the Board of Education in any City, Town, Incorporated Village or Township in which a Township Board has been established may, by resolution, of which notice shall be given to the Clerk of the Municipality on or before the first day of October in any year, require the election for the School Trustees in such City, Town, Incorporated Village, or Township, to be held on the same day, and in the same manner as Municipal Councillors, or Aldermen are elected, as the case may be.

(2) In every case in which notice is given as aforesaid the nomination and election of Public School Trustees shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, as the case may be, and the provisions of *The Consolidated Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office shall *mutatis mutandis* apply to the election of Public School Trustees.

(3) A separate set of ballot-papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be, on said ballot papers.

(4) In the list of qualified voters required by section 100 of this Act to be delivered to the returning officer by the clerk of the municipality before the opening of the poll, the clerk shall place opposite the names of any voters on the said list who have been returned to him as supporters of separate schools, the letters S. S. S. (signifying supporters of separate schools), and the returning officers shall not deliver to any such a ballot paper for public school trustees.

Number of trustees.

**105.** There shall be elected annually by the assessed rate-payers thereof in each city, town, incorporated village, or township in which a township board is established, one school trustee for each ward, and in the case of incorporated villages not divided into wards three trustees.

When voter is objected to.

**106.** In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

Oath

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*) ;

That

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

*That you are a public school supporter ;*

(*In the case of Municipalities not divided into Wards.*) That you have not voted before at this election, either at this or any other polling place, for school trustee ;

(*In the case of Municipalities divided into Wards.*) That you have not voted before at this election, either at this or any other polling place in this Ward for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God.

**107.** Any resident ratepayer of the full age of twenty-one years not disqualified under this Act shall be eligible to be elected a Public School Trustee in any city, town or incorporated village. Who may be elected trustee.

**108.** The members of every Board of public school trustees shall hold their first meeting in the City, Town or Council room of the municipality at one o'clock p.m., on the third Monday of the same January in which they were elected, or on some day thereafter, and no business shall be proceeded with at the first meeting until the declarations of office and qualifications required of Municipal Councillors, so far as the same are applicable, have been administered to the members who have themselves to take the same. First meeting of Board.

**109.** At the first meeting in each year of every Public School Board in cities, towns, and villages, and of every Board of Education, the secretary of such Board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. [41 V. c. 15, s. 2.] President at first meeting.

**110.** In case of an equality of votes at the election of chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. [41 V. c. 15, s. 3.] Casting vote.

**111.** Subsequent meetings of the Board shall be held at such times and places as may from time to time be fixed by resolution of the Board. [R. S. O. c. 204, s. 104 (2).] Meetings of board.

**112.** The Chairman of the Board shall preside, or in his absence any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting Presiding officer of board.  
8 s. may



may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Quorum of  
School Boards,  
etc.

**113.** A majority of the members of such Board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. [R. S. O., c. 204, s. 98, *part.*]

Duties of  
Board.

**114.** It shall be the duty of the Board—

Appointment  
of secretary  
and collector.

(1). To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge.

(a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be subject to similar obligations and penalties and have similar powers as the like officers in the municipality. [R. S. O., c. 204, s. 104 (3 a b) (13 a, b, c).]

To provide  
adequate  
accommoda-  
tion.

(2). To provide adequate accommodation, according to the regulations of the Education Department, for all the children between the ages of five and twenty-one, resident in the municipality, as ascertained by the census taken by the Municipal Council for the next preceding year; provided always, such residents are not to include the children of persons on whose behalf a Separate School or Schools have been established under the provisions of the Separate Schools Act. [R. S. O. c. 204, s. 104 (18).]

To provide  
school pre-  
mises, appa-  
ratus, prize  
books and  
library.

(3). To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and moveable property, and procure registers in the prescribed form, suitable maps, apparatus, and prize books, and, if they deem it expedient, establish and maintain school libraries. [R. S. O., 204, s. 104 (8, a, b, c), (25).]

Kind of  
schools.

(4). To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. [R. S. O., c. 204, s. 104, (9 a b).]

To lay before  
Councils esti-  
mate for  
moneys.

(5). To prepare from time to time, and lay before the Municipal Council of the City, Town or Village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge. [R. S. O., c. 204, s. 104 (10).]

To appoint a  
committee for  
each school.

(6). To appoint of their number annually, or oftener if they judge

judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the City, Town or Village, and to see that all the schools under their charge are conducted according to the authorized regulations. [R. S. O., c. 204, s. 104 (24), 105 (1).]

(7.) To collect, at their discretion, from the parents or guardians of children attending any Public School under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of authorized text-books, [R. S. O., c. 204, s. 104 (19); 105 (2).]

Trustees may collect a fee from parents.

To see that authorized books are used.

(8) To submit all accounts, books, and vouchers to be audited by the municipal auditors, and it shall be the duty of such auditors to audit the same.

To submit accounts to auditors.

(9.) To give orders on the Treasurer of the Public School Board for all moneys expended for school purposes. [R. S. O. c. 204, s. 104 (15).]

To give orders for money expended.

(10) To constitute at their discretion one or more of the Public Schools of such City to be a Model School for the preliminary training of Public School teachers therein, subject to the Regulations of the Education Department. [42 V., c. 34, s. 1.]

Model Schools for teachers.

(11.) To publish at the end of every year, in one or more of the public newspapers, or otherwise, the annual report of the auditors, and to prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report signed by the chairman containing all information required by the Regulations of the Education Department. [R. S. O., c. 204, s. 104 (27) and (28).]

To publish auditors' report.

To prepare annual report for Minister.

(12.) Every Public School Board in a City, Town or Incorporated Village, shall have the same power to take and acquire land for a school site or for enlarging school premises already held, as the trustees of rural schools; provided always that vacant land only shall be taken in such City, Town or Village for a school site without the consent of the owner or owners, and in the event of disputes between the owner of the land selected and the trustees, sections 64 to 72 of this Act shall apply, save and except that in the case of Cities and Towns, the City or Town Inspector shall replace the County Inspector as arbitrator. [R. S. O., c. 104, s. 126, (2) to (7); 42 V., c. 34, s. 5.]

School sites.

Exceptions.

### *School Census.*

**115.** The Municipal Council of every Township, City, Town and Incorporated Village, shall cause the assessor or assessors in preparing his or their annual assessment roll, to set down therein in separate columns, the number of children between the

Census.

the

the ages of five and twenty-one, and also the number between the ages of seven and thirteen, opposite the name of each person on the assessment roll who are resident with him, and the clerk of the municipality shall furnish the Secretary-Treasurer of each section, or the Secretary of the Board of Trustees for the city, town or incorporated village (as the case may be), and the Public School Inspector, a statement of the total number of children aforesaid in each school section, or in the city, town or incorporated village (as the case may be). [R. S. O., c. 204, s. 78 (5); 43 V. c. 32, s. 4; 44 V. c. 30, s. 8.]

List of names  
of children.

**116.** In the case of Cities, Towns and Incorporated Villages, it shall also be the duty of the assessor or assessors, when required by resolution of the Board of Trustees, notice of which shall be given to the clerk of the municipality on or before the first day of January to enter in a book, to be provided for the purpose by the trustees in form C, the names of all children in the municipality between the ages of seven and thirteen, and to return the same to the secretary of the Board of Trustees at the time fixed for the return of the assessment roll.

Clerk to give  
copy of assess-  
ment to  
inspector.

**117.** The Clerk of every municipality shall also, upon request, and free of any charge, furnish the Public School Inspector with a true statement of the assessed value of each school section as shewn by the revised assessment roll for that year, and also of the several requisitions of the trustees for school moneys. Such clerk shall be entitled to reasonable payment from the council for the above mentioned services. [43 V. c. 32, s. 4.]

### *School Assessment.*

Township  
council to levy  
sums required  
for school  
purposes.

**118.** (1) The Municipal Council of every Township may levy and collect by assessment, upon the taxable property of the Public school supporters of the township, in the manner provided by this Act, and by the Municipal and Assessment Acts and amendments, the sum of one hundred dollars for every public school section therein in which a public school has been kept open the whole year exclusive of vacations (a proportionate sum being levied for a shorter term, and an additional sum of fifty dollars for each additional teacher employed the whole year), and also shall collect on the taxable property in each section such other sums as may be required by the Trustees thereof for school purposes: Provided that where the township municipality is composed of a union of townships, the said sum of one hundred dollars shall be levied on the taxable property of the township wherein such school is situated, and so much of the remaining township as is embraced in the said school section. [See R. S. O., c. 204, s. 78, (7), (8), (11); 42 V. c. 34, s. 11.]

Provide.



(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the township the said sum in the proportion which the assessment of the part of such union school within the municipality bears to the whole assessment of such union school section, as equalized under section 91 of this Act.

(3) Provided that where all the municipalities, out of which a union school section is formed, do not avail themselves of the provisions herein contained, then any sum levied for any union school section shall be considered a part of the annual requisition of the trustees for that portion of the union school section situated in the municipality or municipalities acting under the provisions of this section.

**119.** The Municipal Council of every City, Town and Incorporated Village shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act, and in the Municipal and Assessment Acts and amendments thereto, such sums as may be required by the Public School Trustees for school purposes, subject to section 134 of this Act. [See R. S. O., c. 204, ss. 90, 91.]

**120.** Wherever the land or property of any individual or company is situated within the limits of two or more school sections, each Assessor appointed by any Municipality shall assess and return on his roll, separately, the parts of such land or property, according to the divisions of the school sections within the limits of which such land or property is situated. [R. S. O., c. 204, s. 106.]

**121.** (1) The assessor or assessors of every Municipality shall set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of Separate School Trustees under the *Separate Schools Act*. [R. S. O., c. 204, s. 78 (5), (7a)]

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. [R. S. O., c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3).]

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any elector of the municipality,

municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. [R. S. O., c. 204, s. 78 (5 latter part).]

Collector's roll  
—further  
columns,

**122.** The Clerk of every Municipality, in annually making out the Collector's roll, shall place columns therein, so that under the head of "*School Rate*," the Public School rate may be distinguished from the Separate School rate, and also under "*Special Rate for School Debts*," shall distinguish between Public and Separate School purposes, and the proceeds of any such rate shall be kept distinguished by the Collector, and accounted for accordingly. [R. S. O., c. 204, s. 78 (6).]

**123.** The clerk of any Municipality in which any separate school section or part of a section is situate, shall, not later than the first day of December in each year, make out and transmit to the County School Inspector a statement shewing whether or not any county rate for Public School purposes has been placed upon the collector's roll against supporters of Separate Schools, and if such has been rated against supporters of Separate Schools, giving a list of such and the amount so rated against each and the total amount so rated. [43 V. c. 32, s. 9.]

Occupant  
primarily  
liable for  
school rates.

**124.** In any case when under the eighteenth section of *The Assessment Act* land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates and for determining whether such rates shall be applied to Public or Separate School purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or affect this provision otherwise, and in any case where as between the owner and tenant or occupant, the owner is not to pay taxes, if by default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either Public or Separate School purposes. [44 V., c. 30, s. 10.]

A resident of  
one section  
sending his  
children to  
another  
section.

**125.** Any person residing in one school section or division, and sending his child or children to the school of a neighbouring one, shall, nevertheless, be liable for the payment of all rates assessed on his taxable property for the school purposes of the section or division in which he resides, as if he sent his child or children to the school of such section or division. [R. S. O., c. 204, s. 160.]

School moneys  
—when to be  
paid over.

**126.** All sums levied and collected by the Municipal Council of any Township for school purposes shall be paid over to the  
secretary-

secretary-treasurer of the Board of Trustees, without any deduction whatever, on or before the fifteenth day of December in each year. [43 V. c. 32, s. 4.]

**127.** Such Secretary-treasurer shall pay on the order of the Board of Trustees all sums of money due and payable for teachers' salaries, and all other school purposes. Payments to be made by treasurer.

**128.** The Clerk of every Township shall within one week after the first day of May in each year, under a penalty of twenty dollars in case of default, make a return to the Clerk of his county of the total expenditure of the township on account of schools and education. [R. S. O., c. 204, s. 108 (5).] Return to County Clerk.

**129.** It shall be the duty of every County Clerk to furnish the Minister with a copy of the minutes of the Council relating to school assessments and other educational matters and to transmit to the Minister, on or before the first day of March in each year, a certified copy in the form provided, of the abstract of the report of the auditors. [R. S. O., c. 204, s. 112 (2) (3).] Clerk to transmit Minutes of Council, etc., to Minister.

### *School Debentures.*

**130.** (1) On the application of any Board of Rural School Trustees for the issue of debentures for the purchase of a school site or sites, for the erection of a school-house or school-houses, or for the purchase or erection of a teacher's residence, the Municipal Council of the Township shall pass a By-law for the said purpose, and shall forthwith issue a debenture or debentures to be repayable out of the taxable property of the school section concerned, and subject to the limitations contained in this Act. [R. S. O., c. 204, s. 78 (11); 42 V., c. 34, s. 29.] Township school debentures.

(2) The municipal council of any township shall not borrow, or levy, or collect any rate for any sum of money for any of the purposes mentioned in this section, unless the proposal for the same has been submitted by the trustees to and approved of at a special meeting of the duly qualified school electors of the section, called for the purpose. [42 V. c. 34, s. 29 (3).] Restriction of rate.

**131.** Where the said application is made by a Township Board, and where the Municipal Council by a two-thirds vote refuse to raise or borrow the sum required, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the municipality in the manner provided by the *Consolidated Municipal Act* for the creating of debts, and in the event of the assent of the electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. [42 V., c. 34, s. 29 (2).] Submission of question to vote of electors.



Liability for loan.

**132.** Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the Township Council for the repayment of the loan. [R. S. O., c. 204, s. 78, (11a).]

Council not to levy more than one rate except in certain cases.

**133.** No township council shall levy or collect in any school section during any one year more than one school section rate except for the purchase of a school site, or for the erection of a school-house.

Council may refuse to raise money for school site, etc.

**134.** Where a Public School Board requires the Municipal Council of a city, town, or incorporated village to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, and where the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the School Board, to the vote of the electors of the Municipality who are supporters of Public Schools in the manner provided by the *Consolidated Municipal Act* for the creating of debts, and in the event of the assent of the municipal electors being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum. [R. S. O., c. 204, s. 91; 42 V., c. 34, ss. 29 and 29(2).]

School corporations may borrow surplus moneys.

**135.** Any rural School Corporation may, with the consent of the ratepayers of their school section first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any Municipal Corporation of any surplus moneys derived from the Ontario Municipalities Fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site or school sites, or erecting a school house or school houses; and any sum or sums so borrowed shall be applied to that purpose, and to that only. [R. S. O., c. 204, s. 96.]

Form and term of debenture.

**136.** Any debenture issued by any Municipality for school purposes shall be in the form given by this Act, for such term of years as the Council may see fit, not exceeding twenty years, and the Municipal Council may also in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in the three hundred and forty-fourth section of the *Consolidated Municipal Act*. [42 V., c. 34, s. 29 (4).]

#### *Legislative Grant.*

Apportionment of Grant.

**137.** All sums of money voted by the Legislative Assembly for the support of Public and Separate Schools shall be apportioned

portioned annually on or before the first day of May by the Minister of Education to the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of Ontario, as shewn by the last annual returns received from the clerks of the respective counties, cities and towns separated from a county, of which apportionment due notice shall be given to the clerks of the municipalities concerned. [See 42 V., c. 34, s. 20.]

**138.** The sum of money annually apportioned by the Minister of Education to every County, Township, City, Town or Village in aid of Public Schools therein respectively, shall be payable by the Provincial Treasurer on or before the first day of July in every year to the Treasurer of every County, City, Town and Village in such way as the Lieutenant-Governor from time to time directs. [R. S. O., c. 204, s. 217.]

Grant payable on the first of July in each year.

**139.** No County, City, Town or Village shall be entitled to a share of the legislative school grant without raising by assessment a sum at least equal (clear of all charges for collection) to the share of the said school grant apportioned to it. [R. S. O., c. 204, s. 215.]

Conditions of receiving share of grant.

**140.** Should the Municipal Corporation of any County, City, Town or Village, raise in any one year a less sum than that apportioned to it out of the Legislative School Grant, the Minister of Education shall deduct a sum equal to the deficiency from the apportionment to such County, City, Town or Village in the following year. [R. S. O., c. 204, s. 216.]

Deduction if equivalent not raised by the municipality.

**141.** The clerk of every county shall make a return to the Minister of Education shewing the population of each minor municipality within the county, and the clerk of every city and town separated from a county shall make a return shewing the population of such city or town, as shewn by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. [42 V., c. 34, ss. 21, 22.]

Clerks to make returns of population.

**142.** The County Council shall cause to be levied yearly upon the several townships of the county, such sums of money for Public School purposes as shall be at least equal (clear of all charges of collection) to the amount of school money apportioned by the Minister of Education to the several townships of the said county for the year, such sums to be payable to the Township Treasurer on or before the fourteenth day of December in each year, and the County Treasurer shall, on or before the twentieth day of December in each year, pay out of the school assessment of the county into the hands of the treasurers of the respective townships within the county, the proportionate assessment levied in their respective

To raise equivalent to Legislative school grant.

County Treasurer to pay school assessment to township, etc., Treasurer.

respective municipalities; and for all school purposes in Townships the Township Treasurers shall be considered sub-treasurers of the County Treasurer; Provided always that the County Council may by by-law constitute the County Treasurer, the Sub-Treasurer for such municipalities within the county as may be deemed expedient. [R. S. O., c. 204, s. 87 (1), 109, 110 (1).]

Increase of  
sums levied  
on townships.

**143.** The County Council may increase the sums of money levied yearly upon the several Townships for the payment of teachers' salaries, or on the recommendation of one or more County Inspectors, to give special or additional aid to new or poor school sections. [R. S. O., c. 204, s. 89 (6).]

Distribution  
to sections and  
divisions.

**144.** The County Inspector shall, half yearly, unless otherwise instructed by the Minister of Education, distribute among the school sections and divisions under his jurisdiction their respective portions of the public grant voted by the Legislative Assembly or raised by county rate within the townships under his charge according to the ratio of the average attendance of pupils at each Public School as compared with the whole average number of pupils attending the Public Schools of every such township, and all such sums shall be payable by the Township Treasurer to the order of the Trustees on the Inspector's order. [See 44 V. c. 30, s. 9; R. S. O., c. 204, s. 194 (13).]

Separate  
School  
amounts to be  
deducted.

**145.** The County Inspector shall, before distributing the county rate among the Public School sections, deduct the amount certified to him by the clerk of any municipality in which any Separate School section or part of a section is situate, according to the list given by such clerk, of the supporters of Separate Schools against whom the county rate for Public School purposes has been placed, and the amount so rated against each and the total amount so rated, and shall give the trustees of the Separate School section an order on the County Treasurer or Sub-Treasurer for the amount thereof, and it shall be the duty of such Treasurer or Sub-Treasurer to pay over the same. [44 V., c. 30, s. 9, sub-s. 3.]

Teachers' sala-  
ries to be paid,  
though assess-  
ment not paid  
to County  
Treasurer.

(a) Notwithstanding the non-payment to the County-Treasurer by the fourteenth day of December, of the school assessment levied in the County, no teacher shall be refused the payment by the County Treasurer or Sub-Treasurer of the sum to which on the Inspector's order he may be entitled from such year's County School assessment. [R.S.O., c. 204, s. 110 (1 a).]

#### *Liability on Investments.*

Council  
responsible on  
default of  
Treasurer, etc.

**146.** The Council of every County, City and Town shall be responsible to Her Majesty, and to all other persons interested, that all moneys coming into the hands of the Treasurer



Treasurer of the County, City or Town, in virtue of his office, shall be by him duly paid over and accounted for, according to law. [R. S. O., c. 204, s. 219.]

**147.** The Treasurer and his sureties shall be responsible and accountable for such moneys in like manner to the County, City or Town, and any bond or security given by them for the duly accounting for and paying over moneys coming into his hands, belonging to the County, City or Town, shall be taken to apply to all Public School moneys, and may be enforced against the Treasurer or his sureties, in case of default on his part. [R. S. O., c. 204, s. 220.]

Treasurer,  
etc., responsi-  
ble to county,  
etc.

**148.** The bond of the Treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the County, City or Town, either by stopping a like amount out of any public moneys payable to the County, City or Town, or to the Treasurer thereof, or by suit or action against the corporation. [R. S. O., c. 204, s. 221.]

Bonds to apply  
to school  
moneys, etc.

**149.** Any person aggrieved by the default of the Municipal Treasurer may recover from the corporation of any City, County or Town, the amount due or payable to such person as money had and received to his use. [R. S. O., c. 204, s. 222.]

City, etc.,  
responsible for  
default of  
Treasurer, etc.

**150.** (1) Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a Municipal Council before it has been quashed.

Trustees act-  
ing under by-  
laws not liable.

(2). In case a by-law, order or resolution of a Municipal Council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation.

(3). Every such action shall be brought against the Municipal Corporation alone, and not against any person acting under the by-law, order or resolution. [R. S. O., c. 204, s. 223 (1) (2) (3).]

#### *Sub-Treasurers.*

**151.** Every Sub-Treasurer shall be subject to the same responsibilities and obligations in respect to the accounting for school moneys, and the payment of lawful orders for such moneys given by any County Inspector as are imposed by this Act upon every County Treasurer, in respect to the paying and accounting for school moneys. [R. S. O., c. 204, s. 111.]

Sub-Treasur-  
er's duties,  
etc.

*Teachers.*

Valid agree-  
ments with  
teacher.

**152.** All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and such agreements may lawfully include any stipulation to provide the teacher with board and lodging. [R. S. O., c. 204, s. 161 and (2).]

Qualified  
teacher de-  
fined.

**153.** No teacher of a Public School shall be deemed legally qualified, who does not at the time of his engaging with the trustees, and during the period of such engagement, hold a legal certificate of qualification. [R. S. O., c. 204, s. 162.]

Duties of  
Public School  
teacher.

**154.** It shall be the duty of every teacher of a Public School—

To teach ac-  
cording to law.

(1). To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act and the regulations of the Education Department ;

To keep the  
register of the  
school.

(2). To keep in the prescribed form the general, entrance, and the daily class, or other Registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school ;

To maintain  
order and  
discipline.

(3). To maintain proper order and discipline in his school, according to the prescribed regulations ;

To keep a  
visitors' book.

(4). To keep a Visitors' Book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit ;

To give access  
to register and  
visitors' book.

(5). To give the trustees and visitors access at all times, when desired by them, to the Registers and Visitors' Book appertaining to the school ;

Deliver up re-  
gisters and  
key.

(6). To deliver up any school Registers, Visitors' Book, school-house key, or other school property in his possession, on the demand or order of the majority of the corporation employing him ;

In case of re-  
fusal.

(7). In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees ;

To hold public  
quarterly ex-  
aminations.

(8). To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians ;

(9)

(9). To furnish to the Minister of Education, or to the School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. [R. S. O., c. 204, s. 163, subsecs. 1 to 8.]

To furnish information to the Minister and Inspector.

(10). To prepare, so far as the school Registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department.

To prepare reports.

**155.** Every qualified teacher of a Public School employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year.

Proportion of salary to which teacher entitled.

**156.** All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and decided in the Division Court by the Judge of the County Court in each County, subject to an appeal, as provided by this Act. [R. S. O., c. 204, s. 165, and (2).]

Provision in case of difference between teacher and trustees.

**157.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. [R. S. O., c. 204, s. 165 (3).]

Issue of execution.

**158.** In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. [41 V., c. 8, s. 21.]

Case of sickness.

Four weeks allowed.

**159.** Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. [R. S. O., c. 204, s. 164 and (2).]

Protection of teachers in regard to salary.

### *Certificates.*

**160.** Every certificate to teach a Public School shall be ranked as of the first, second, or third class, and shall be issued under the regulations of the Education Department, only to such persons as (a) furnish satisfactory proof of good moral character,

Three classes of certificates.

(b)



(b) and, if males, are at least eighteen years of age, or if females, seventeen years of age, (c) and are natural born or naturalized subjects of Her Majesty, and (d) pass the examinations prescribed by the Education Department. [R. S. O., c. 204, s. 200.]

First and  
second class  
certificates.

**161.** Every certificate issued under this Act shall entitle the holder thereof to teach a public school in any municipality in the Province, but only those of the first and second class shall be valid during good behaviour. [R. S. O., c. 204, s. 201 (5), 204.]

The same.

**162.** First and second class certificates of qualification shall be granted to teachers by the Minister of Education on the report of the Central Committee of Examiners, and third class certificates shall be granted by the County Board of Examiners according to the regulations of the Department. [R. S. O., c. 204, s. 201 (1) and (3).]

Third class  
District  
certificates

**163.** Third class District Certificates may be granted, subject to the regulations of the Education Department, to be valid only in the territorial and remote districts following, namely: Rainy River, Thunder Bay, Nipissing, Algoma, Parry Sound, Muskoka, Haliburton, and the counties of Victoria, Peterborough and Hastings, and all counties lying east thereof. The Board of Examiners for any such district certificate shall consist of the judge (where one) and stipendiary magistrate, with the Inspector (if any) in the territorial and other districts; and in counties, of the County Board of Examiners. [45 V., c. 30, s. 3.]

Certificates to  
students of  
Normal  
Sch. ol, etc., in  
British  
dominions.

**164.** (1) Upon passing the requisite examination, special certificates of the first and second class may be issued by the Minister of Education to any person who has been trained at any Normal School or other training institution for teachers, or who has been duly certified or licensed by any recognized body as a school teacher in any part of the British Dominions, and such certificate shall be valid in any part of the Province until revoked. [R. S. O., c. 204, s. 202.]

Former  
certificates  
continued.

(2) All certificates of qualification of teachers granted before the fifteenth day of February, in the year 1871, shall remain in force in their respective municipalities on the terms and conditions of the Act under which they were granted; and upon their ceasing to be valid, as provided by law, other than by the confirmation of their suspension, they may be renewed from time to time under the regulations of the Education Department.

Same subject

(3) Every public school teacher's first-class certificate issued under the school laws of this Province by a county board, before the fifteenth day of February, 1871, and now legally valid in any city or county, shall be valid in any municipality in the Province during the good behaviour of the holder thereof.

(4)

(4) Every public school teacher's second-class certificate issued before such time, and under like authority, and now legally valid, as afore-said, shall (when such teacher has taught for a period of not less than ten years in Ontario) continue to be valid during good behaviour in such county or city. Same subject.

**165.** The Inspector of Public Schools may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of the regulations of the Education Department or of this Act. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension. [See R. S. O., c. 204, s. 194, (26), (27a).] Suspension of certificate for misconduct, etc.

**166.** Any teacher who enters into an agreement at common law with a Board of Trustees, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any Board of School Trustees, be liable to the suspension of his certificate by the Inspector in whose jurisdiction he may be engaged for the time being. Suspension of certificate for breach of agreement.

**167.** When the teacher whose certificate is suspended holds a certificate issued by the Chief Superintendent or Council of Public Instruction, or by the Education Department or Minister of Education, the Inspector shall forthwith report to the Minister of Education, and such suspension shall continue until the case is decided by the Minister. [See R. S. O., c. 204, s. 194, (26a).] Suspension to be reported.

**168.** When the teacher holds a certificate granted by a County Board of Examiners, the Inspector shall forthwith call a meeting of such County Board of Examiners for the consideration of the suspension, of which due notice shall be given to the teacher concerned, and the decision of such Board shall be final. [See R. S. O., c. 204, s. 194, (26b), 197 (2).] Same subject.

#### *County Boards.*

**169.** The County Council of each county shall appoint a Board of Examiners, (a majority of whom shall form a quorum,) consisting of the Inspector or Inspectors having jurisdiction within the county or any part thereof, and not more than two other competent persons whose qualifications shall be prescribed from time to time by the Education Department, for the purpose of granting third class certificates of qualification to candidates as teachers of Public Schools, according to the regulations of the Education Department, and for such other purposes as may be prescribed by this Act. [R. S. O., c. 204, ss. 87 (4), 194 (21), 196 (1) (3), 197 (1).] To examine teachers and give certificates.

**170.** Where deemed necessary from the general use of the French or German language, it shall be lawful for the County Council Additional examiners.

Council to appoint two additional Examiners for the purpose of conducting examinations in either of the languages aforesaid, of such candidates as may present themselves for certificates to teach a Public School, subject to the regulations of the Education Department.

**171.** It shall be the duty of the County Council—

Examination  
rooms.

(1). To provide, upon the application of the Inspector, suitable rooms for holding the examination of Public School teachers in the county. [R. S. O., c. 204, s. 87 (6), 194 (20).]

Expenses of  
examination.

(2). To pay the examiners for their time, travelling, and other expenses such a sum as would be at least equal to the per diem allowance paid members of the County Council; (b) To pay all the incidental expenses of the examination and (c) such remuneration to the Secretary of the Board as the County Council may deem just and expedient. [R. S. O., c. 204, s. 87 (5) *a, b, c.*]

Only one  
examination  
for third class  
certificates to  
be held yearly.  
Signature on  
certificates.

**172.** One examination per annum shall be held in each County or union of counties for the granting of Public School teachers' third class certificates, and every certificate of qualification issued by any Board of Examiners shall have the signature of at least one Inspector of Schools. [R. S. O., c. 204, s. 198 *part*, and 197 (1*a*).]

Examination  
in each  
division.

**173.** Where there are two Inspectors in any county, the County Council may authorize and direct a separate examination to be held in each division of the county. [R. S. O., c. 204, s. 198 (2).]

*County Model Schools.*

One school in  
each county to  
be set apart as  
county model  
school.

**174.** The Board of Examiners shall, under the regulations of the Education Department and subject to the approval of the Minister of Education, set apart at least one school in each county as a County Model School for the training of candidates for third class teachers' certificates, and the County Council shall provide and levy in each year, in aid of each County Model School, within the limits of the county an amount at least equal to the amount apportioned or paid by the Education Department, in support of County Model Schools out of any grant annually voted by the Legislature for that purpose, but the amount to be provided by the County Council shall not be less than the sum of one hundred and fifty dollars in one year, unless the County Council should see fit to provide a larger amount of aid. [44 V., c. 30, s. 11.]

*Teachers' Institutes.*

Apportion-  
ment of  
funds to  
Teachers'  
Institutes.

**175.** It shall be lawful for the Minister of Education to apportion out of any moneys voted by the Legislative Assembly for the training of teachers the sum of twenty-five dollars for every Teachers' Institute established under the regulations  
of



of the Education Department, and it shall be the duty of the County or City Council of each city or county to pay to the order of the President of each such Institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education.

### *Inspectors.*

**176.** No person shall be eligible to be appointed an Inspector who does not hold a legal certificate of qualification as Inspector, granted according to the regulations of the Education Department, and no person who is a teacher or trustee of any Public, High or Separate School shall be eligible for an appointment as Inspector so long as he remains such teacher or trustee. [R. S. O., c. 204, ss. 176, 177, 226.]

Qualifications  
for appoint-  
ment as in-  
spector.

**177.** Each County Council shall appoint one or more persons, holding legal certificates of qualification, Inspector or Inspectors of the Public Schools of such County, providing always that one Inspector shall not have charge of more than one hundred and twenty schools or less than fifty. [R. S. O., c. 204, s. 87 (2).]

Number of  
inspectors.

(a) It shall not be necessary to appoint more than one Inspector in each Riding of a County. [R.S.O., c. 204, s. 87 (2a).]

(b) In Counties containing any Municipality wherein the French or German language is the common or prevailing language, an Inspector may have charge of any number of schools not less than forty. [R. S. O., c. 204, s. 87 (2b).]

French or  
German.

(c) In Counties where there are more than fifty Public Schools, the County Council may appoint two or more Inspectors, and prescribe and number the territorial limits of each, and change or remove the Inspectors from one circuit or riding of the county to another. [R.S.O., c. 204, s. 87 (2c, d).]

Counties may  
appoint addi-  
tional Inspec-  
tors and  
change In-  
spector.

**178.** The County Clerk shall notify the Minister of Education of the appointment and address of every County Inspector. [R. S. O., c. 204, s. 112 (1).]

The Clerk to  
notify ap-  
pointment.

**179.** In the event of a vacancy occurring in the office of the County Inspector, the Warden of the County within which such Inspector held office may appoint, from the list of those legally qualified, a fit and proper person to the office vacated, until the next ensuing meeting of the County Council. [R. S. O., c. 204, ss. 87 (3), 193.]

Warden may  
supply vacan-  
cies in the  
office of the  
Inspector.

**180.** The Lieutenant-Governor in Council may constitute any number of Municipalities or other portions of territory, in the rear or remote parts of Counties, and in Judicial or Territorial Districts, to be a district or districts for the purposes of school inspection under this Act, upon such terms, and subject

Lieut.-Govern-  
or to form  
remote dis-  
tricts for in-  
spection.

to

to such regulations as the Lieutenant-Governor in Council may from time to time determine, and the County or Provisional Council concerned, shall provide their proportionate share of the salary of the Inspector, and also of his travelling expenses. [R. S. O., c. 204, s. 179.]

Conditions of dismissal of Inspector.

**181.** Every County Inspector shall in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant Governor, or by a majority of the members of the Council appointing him, or without such cause by a vote of two-thirds of such Council, and no such Inspector shall be re-appointed without the concurrence of the party who dismissed him. [R. S. O., c. 204, ss. 180, 181, 182.]

Additional allowance by Lieutenant-Governor.

**182.** It shall be lawful for the Lieutenant-Governor to direct the payment, out of the Consolidated Revenue Fund, of a sum, not exceeding five dollars per school per annum, to each County Inspector, and the County Council shall pay quarterly at the rate of not less than an equal amount per school, and in addition thereto the reasonable travelling expenses of such County Inspector, the amount to be determined by the County Council. [R. S. O., c. 204, ss. 185, 186, 187.]

Additional remuneration to Inspectors in new Districts.

**183.** Any Inspector, or other duly qualified person, appointed to inspect schools in new and remote townships, or to take charge of a special examination for teachers, or to advise and encourage settlers to establish schools, under the regulations and with the aid provided by law, or to report on any school matter, shall be entitled to such additional or other remuneration out of any moneys appropriated by the Legislature or County Council for that purpose, as may be deemed just and equitable, considering the nature and extent of the duties to be performed. [R. S. O., c. 204, ss. 188, 189.]

**184.** It shall be the duty of every County Inspector—

To visit each school once a term.

(1). To visit every Public School within his jurisdiction once in each term, unless required to do so oftener by the County Council which appointed him, or for the adjustment of disputes or other purpose, and to see that every school is conducted according to law and the regulations of the Department. [R. S. O., c. 204, s. 194 (2) (3).]

Examine the state of the school.

(2). To examine at his visits of inspection, into the condition of the school, as respects the progress of the pupils in learning; the order and discipline observed; the system of instruction pursued; the mode of keeping the school registers; the average attendance of pupils; the character and condition of the building and premises; and to give such advice to the teachers, pupils and officers of the school as he may judge proper. [R. S. O., c. 204, s. 194 (4).]

Deliver lectures.

(3). To deliver from time to time, under regulations prescribed by the Minister of Education, a public lecture or lectures

tures in his county or division, on some subject connected with the objects, principles, and means of practical education. [R. S. O., c. 204, s. 194 (7).]

(4). To withhold his order for the amount apportioned from the Legislative or Municipal Grant to any school section :

To withhold order for grant in certain cases.

(a) When the school was kept open for less than six months in the year ;

(b) When the trustees failed to transmit the annual or semi-annual school returns properly filled up ;

(c) When the trustees fail to comply with the School Act, or the Regulations of the Education Department ;

(d) When the teacher uses, or permits to be used, as a text book any book not authorized by the Education Department.

(5). In every case where, from any cause, the School Grant is withheld the inspector shall forthwith report to the Trustees and to the Education Department.

(6). To give any information in his power, when desired, to the Minister of Education, respecting any Public School matter within his jurisdiction, and to prepare and transmit to the Minister of Education on or before the first day of March, an annual report in the form provided by the Education Department.

To give information and report to Minister.

(7). To recommend to the County or Township Council such special or additional aid as he may deem advisable to be given to new or needy school sections in the County. [R. S. O., c. 204, s. 194 (36).]

Aid to poor schools.

(8). To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the County Council or Public School Board, as the case may be. [R. S. O., c. 204, s. 194 (37).]

Deliver up papers on retiring from office.

(9). To appoint, in his discretion, the time and place for a special school meeting, at any time, for any lawful purpose. [R. S. O. c. 204, s. 194 (33).]

Call special meeting.

(10). To give at his discretion any candidate, on due examination, according to the programme authorized for the examination of teachers, and subject to the regulations of the Education Department, a certificate of qualification to teach a school within the limits of the charge of such Inspector until (but no longer than) the next regular meeting of the Board of Examiners of which such school Inspector is a member. [R. S. O., c. 204, s. 194 (22).]

May give temporary certificates teachers.

**185.** The Public School Board of every city or town shall from time to time appoint an Inspector from those possessing the requisite qualification, who shall receive such remuneration as the Board may determine, and be subject to dismissal by

Appointment, Remuneration Dismissal,



a majority of the members of the Board, in case of inefficiency or misconduct, or by a vote of two-thirds of the Board without cause, or where it is resolved to place the Town schools under the County Inspector. [R. S. O. c. 209, ss. 104 (9e) (21 a, b), 178, 180, 184.]

Payment of  
Inspector's  
salary in  
towns not  
separated.

**186.** When the Public School Board of any town not separated from the County appoints an Inspector, other than the County Inspector, to take charge of their school, the County Treasurer on demand shall pay to the order of such Board a sum of money equal to any amount collected within such town for the payment of salary of the County Inspector. [R. S. O., c. 204, s. 110 (3).]

Towns may  
place schools  
under County  
Inspector.

**187.** In case the Public School Board of any town not separated from the County with the approval of the Education Department and subject to the prescribed regulations, places the schools of such town under the jurisdiction of a County Inspector, the Inspector shall be entitled to the like salary and remuneration as he receives for rural schools. [R. S. O., c. 204, s. 183].

Duty of city or  
town Inspec-  
tor.

**188.** It shall be the duty of every City or Town Inspector to visit the schools under his charge from time to time, and as often as he may be required by the Board, and to discharge such other duties as the Board may require, or are required of County Inspectors under section 184 of this Act. [R. S. O. c. 204, s. 194 (3) (40).]

Inspector not  
to hold other  
offices.

**189.** No Inspector of schools shall, during his tenure of office engage in or hold any other employment, office, or calling which would interfere with the full discharge of his duties as Inspector as required by law. [R. S. O. c. 204, s. 191.]

Inspector to  
swear wit-  
nesses in cer-  
tain cases.

**190.** In cases where an Inspector requires the testimony of witnesses to the truth of any facts alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such Inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony. [R. S. O. c. 204, s. 192.]

#### *Allowance to Arbitrators.*

Allowance to  
Arbitrators  
and Inspec-  
tors.

**191.** All persons engaged as arbitrators on any matter arising under this Act, and Inspectors who are acting as arbitrators, while engaged in investigating and deciding upon school complaints and disputes, shall be entitled to the same remuneration per diem and travelling expenses as are members of the County Council of their county for their time and attendance at Council meetings. [R. S. O., c. 204, s. 127, 190 (2).]

#### *Superannuation.*

*Superannuation.*

**192.** From and after the date of this Act, every teacher or Inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least four dollars annually.

Superannuation Fund.

**193.** On the decease of any teacher or Inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or Inspector with interest at the rate of seven per cent. per annum. [R. S. O., c. 204, s. 169.]

Repayment to wife, etc., of deceased teacher.

**194.** (1) Every teacher or Inspector who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall, on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of six dollars per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or Inspector. [R. S. O., c. 204, s. 170.]

Right of teacher to retire on reaching sixty years of age.

(2) Every pension payable under this Act may be supplemented out of local funds by any Municipal Council, Public School Board or Board of Education, at its pleasure. [R. S. O., c. 204, ss. 89 (2), 105 (4), 170 (2).]

Supplementary pension.

(3) To remove doubts, nothing in this section contained shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund, and no payment for arrears shall be received after the first day of July, 1886.

Application of section.

**195.** Every teacher or Inspector under sixty years of age who has contributed as aforesaid and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and upon furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. [R. S. O., c. 204, s. 171.]

Teachers under sixty.

**196.** Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class Provincial Certificate, or a first-class County Board Certificate, or who is an authorized Head Master of a High School or Collegiate Institute, shall, in addition to said allowance or pension, be entitled to receive a further allowance at the rate of one dollar per annum for every year of service while he held such certificate, or while he acted as Head Master of a High School or Collegiate Institute. [R. S. O., c. 204, s. 172.]

\$1 per annum extra to certain teachers.

Proviso in regard to good moral character.

**197.** The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. [R.S.O., c. 204, s. 173.]

Teacher resuming profession.

**198.** If any pensioned teacher or Inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. [R. S. O., c. 204, s. 174.]

Again retiring

**199.** In case of his again being placed by the Education Department on the superannuation list a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. [R. S. O., c. 204, s. 175.]

Forfeiture of claim.

**200.** Any teacher or Inspector who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers.

Teachers not availing themselves of Act.

**201.** In the case of those teachers or Inspectors who may not avail themselves of the provisions of section 192 or 202 of this Act, the provisions of sections 193 to 202 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers.

Repayment to contributors.

**202.** Any teacher who retires from the profession, or any teacher or Inspector who desires to remove his name from the list of contributors to the Superannuated Teachers Fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the Public School Inspector, or otherwise. [R. S. O., c. 204, s. 168.]

#### *Non-Resident Pupils.*

Admission of non resident pupils.

**203.** It shall be the duty of the trustees of every rural school section and of every Public School Board to admit, on payment in advance of fees not exceeding fifty cents per pupil for every calendar month, any non-resident pupils who reside nearer to such school than the school in their own section; and in case of dispute as to the distance from the school, the Inspector shall decide. [R. S. O., c. 204, s. 102 (20), 103 (4 and 4a), 104 (17), 105 (3), 194 (12).]

(2) Non-resident pupils attending a public school in any City, Town or Incorporated Village shall for all matters affecting the division of the Legislative or Municipal grants, be reported



ported as attending the public school of the school section in which they are actual residents.

**204.** In case a County Council establishes a House of Refuge in any County any person of school age maintained in such House of Refuge shall for the purposes of this Act be deemed a non-resident, and the County Council shall be liable for such fees as are lawful under this Act. Pupils in House of Refuge.

### *Holidays.*

**205.** (1) The Public School Year shall consist of two terms: Terms. the first shall begin on the third day of January, and end on the first Friday of July; the second shall begin on the third Monday of August, and end on the twenty-third day of December. Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the Public Schools. [R. S. O., c. 204, ss. 13, 14; 43 V. c. 32, s. 1.]

(2) In the case of Cities, Towns and Incorporated Villages the school terms shall be the same as the terms prescribed for High Schools.

### *Authorized Books.*

**206.** No teacher shall use or permit to be used as text books any books in a Model or Public School, except such as are authorized by the Education Department, and no portion of the Legislative or Municipal grant shall be paid by the Inspector to any school in which unauthorized books are used. Only authorized text-books to be used. [R. S. O., c. 204, s. 12; 44 V., c. 30, s. 12.]

**207.** Any authorized text book in actual use in any Public or Model School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees and the Inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given. Change of text-book. [44 V., c. 30, s. 12.]

**208.** In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a police magistrate or justice of the peace, as the case may be, be liable to a penalty not exceeding ten dollars, payable to the municipality for public school purposes, together with costs, as the police magistrate or justice may think fit. Substitution of unauthorized text-books. [44 V., c. 30, s. 12.]

### *Libraries.*

**209.** The Council of every Municipality may raise by assessment such sums as it may judge expedient for the establishment Establishment of libraries.

ment and maintenance of a Public School Library, subject to the regulations of the Education Department. [R. S. O., c. 204, s. 80 (2), 89 (3), 102 (24).]

*Compulsory Education.*

- 210.** The parent or guardian of every child not less than seven years nor more than thirteen years of age is required to cause such child to attend a public school, or any other school in which elementary instruction is given, for the period of one hundred days in each Public School year, unless there be some reasonable excuse for non-attendance. [44 V. c. 30, ss. 1, 2.]
- 211.** A child shall not be required to attend a Public School if such child is under efficient elementary instruction in some other manner, or if such child has been prevented attending school by sickness or other unavoidable cause, or if there is no Public School which such child can attend within two miles, measured according to the nearest road from the residence of such child, if under the age of nine, and within three miles if over that age. [44 V. c. 30, s. 4.]
- 212.** (1) Any person who receives into his house a child of any other person, under the age of thirteen years, and who is resident with him or in his care or employment, shall be deemed thereby to be subject to the same duty with respect to the elementary education of such child during such residence, and shall be liable to be proceeded against as in the case of a parent, if he should fail to perform his duty of causing such child to be educated to the extent required of a parent; but the duty of the parent under this Act shall not thereby be affected or diminished and shall continue in full force. [44 V., c. 30, s. 3.]
- (2) In the case of each such child who is employed in any manufactory, one-half of the whole time required by this Act for instruction shall be deemed to be sufficient instruction in such case, provided such child is certified by a Public School Inspector as having passed the examination for promotion from the Third Reader to the Fourth Reader, according to the curriculum of studies prescribed by the Education Department. [44 V. c. 30, s. 3 (2).]
- 213.** The trustees may appoint an officer, who shall be furnished with the list, provided for by section 116 of this Act, containing the names of all children between the ages of seven and thirteen, to ascertain and report, for their information, any parent or other person who has failed and omitted, and is failing and omitting, to perform the duty of providing that each child of his, or in his care or employment, between the ages aforesaid, is attending some school or otherwise being under efficient elementary instruction, and it shall be the duty of such

such officer to notify, personally or by letter, or otherwise, such parent or other person of his neglect or violation of duty and the consequences thereof. [44 V. c. 30, s. 5.]

**214.** No proceeding against any parent or other person for any neglect or violation on his part of the requirements of this Act shall be taken until after the expiration of fourteen days from the time in which he has been so notified, nor until such parent or other person has had an opportunity of attending a meeting of the trustees, to state his or her reasons for not complying with such notice; but if such parent or other person should, on being notified, either fail to appear or to satisfy the trustees that his neglect or violation of duty has arisen from any of the grounds on which he would be excused, it shall be the duty of the trustees, through their said officer, to make complaint of such neglect or violation of duty to the Police Magistrate or a Justice of the Peace having jurisdiction under the Act respecting summary convictions before Justices of the Peace, and such Police Magistrate and Justice shall possess and exercise all the powers conferred by the 273rd section of this Act. [44 V. c. 30, s. 6.]

Notice to be given before taking proceedings for neglect.

**215.** With respect to proceedings for any offence or penalty under the provisions of this Act, where a child is apparently of the age alleged, for the purpose of such proceeding it shall lie with the defendant to prove that the child is not of such age. [44 V. c. 30, s. 7.]

Proof of age.

**216.** Nothing herein shall be held to require any Roman Catholic to attend a Public School, or to require a Protestant to attend a Roman Catholic School. [R. S. O., c. 204, s. 8 (2).]

Attendance at Schools.

**217.** It shall be the duty of the trustees of every Rural School section and of every City, Town, and Incorporated Village respectively, and they are hereby authorized to impose upon said parents or guardians who, after having been so notified, continue to neglect or violate the next preceding seven sections of this Act or any of them, a rate bill not exceeding one dollar per month for each of their children not attending school, or to make complaint of such neglect or violation to a Justice of the Peace having jurisdiction in such cases, as provided by this Act, and to deliver to said Justice a statement of the names and residences of the parents or guardians of such children, unless from the circumstances of the case the trustees are satisfied that such neglect or violation has not been wilful, or has been caused by extreme poverty, ill-health, or too great a distance from any school. [R. S. O., c. 204, s. 210 (3).]

Duties of Public School Board.

Impose a rate bill, or make complaint to magistrate.

**218.** (1) It shall be competent for the Police Magistrate of any City or Town, or for any Justice of the Peace in any Village, Township or Town where there is no Police Magistrate, to investigate and decide upon any complaint made by the trustees,

Penalty for non-attendance at same school.



trustees, or by any person authorized by them, against any parent or guardian for the violation of the provisions of this Act, in regard to compulsory education, and to impose a fine not exceeding five dollars for the first wilful offence, and double that penalty for every subsequent offence; which fine and penalty shall be enforced as provided in section 268 of this Act. [R. S. O., c. 204, s. 211.]

(2) The Police Magistrate or Justice shall not be bound to, but may, in his discretion, forego the issue of the warrant for the imprisonment of the offender, as in said section is provided. [R. S. O., c. 204, s. 211 (2).]

Further discretion of magi-  
strate to  
enforce  
penalty.

**219.** It shall be the duty of the Police Magistrate, or any Justice of the Peace where there is no Police Magistrate, to ascertain, as far as may be, the circumstances of any person complained of for not sending his children to some school, or otherwise educating him or them, and whether the alleged violation has been wilful, or has been caused by extreme poverty, or ill-health, or too great a distance from any school; and in any of the latter cases, the Magistrate shall not award punishment, but shall report the circumstances to the trustees of the school section in which the offence has occurred. [R. S. O., c. 204, s. 212.]

#### *Unions of High and Public Schools.*

Existing  
unions  
continued.

**220.** All existing unions of High Schools (or Collegiate Institutes) and Public School Trustee Corporations are hereby continued, and all the members of both corporations shall constitute a joint Board, and shall, as long as the union exists, be a corporation under the name of "*The Board of Education for the City (Town, or Incorporated Village of* or *School Section No.* in the *Township of*," as the case may be). [R. S. O., c. 204, s. 153.]

Powers.

**221.** A majority of the members of the Board shall form a quorum; and such Board shall have the powers of the trustees of both the Public and High Schools. [R. S. O., c. 204, s. 154.]

Union may be  
dissolved.

**222.** The union may be dissolved at the end of the year by resolution of a majority present at any lawful meeting of the said Board of Education called for that purpose. [R. S. O., c. 204, s. 155.]

Disposition of  
school  
property.

**223.** On the dissolution of such union, the school property held or possessed by the Board of Education at the time shall be divided or applied to school purposes, as may be agreed upon by a majority of the Public School trustees, and of the High School (or Collegiate Institute) trustees respectively, present at meetings called for that purpose. [R. S. O., c. 204, s. 156.]

**224.** If the trustees fail so to agree within the space of six months after such dissolution, then the division shall be made by the Municipal Council of the City, Town, or Incorporated Village within the limits of which such Public and High Schools (or Collegiate Institute) are situated. [R. S. O., c. 204, s. 157.]

Failure of trustees to settle disposition.

**225.** If the High School is situated in a school section or unincorporated Village, the division (in case of failure to agree as aforesaid) shall be made by the County Council. [R. S. O., c. 204, s. 158.]

By whom made.

**226.** No union of a Public School, or department thereof, with a High School or Collegiate Institute, shall hereafter be made. [R. S. O., c. 204, s. 159.]

No future union.

### *Special Enquiries.*

**227.** The Minister of Education shall have power to appoint one or more persons, as he from time to time deems necessary to inquire into and report to him upon any school matter; such Inspector or other person or persons shall be entitled to such remuneration out of any moneys appropriated by the Legislature for that purpose as may be deemed just and equitable, considering the nature and extent of the duties to be performed. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. [R. S. O., c. 203, s. 5 (23).]

Remuneration.

Power to commissioners to administer oaths.

**228.** In any matter of inquiry which the Minister is by law authorized to institute, make or direct, a writ or writs of subpoena *ad testificandum* and also *duces tecum* may issue from the High Court of Justice for Ontario by the proper officer in that behalf upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, to be directed to such person or persons for him or them to attend and give evidence under oath, at such times and places, and before such person or persons as the Minister shall appoint, and any default of any such person in obeying any such subpoena shall be punishable as in the like case in any action or cause in any of the said courts. [43 V. c. 32, s. 12; 45 V. c. 30, s. 6.]

Compelling attendance of witnesses.

### *Appeals from Division Court Decisions.*

**229.** The Judge of any Division Court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or the *High School Act*, is tried may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case. [R. S. O., c. 203, s. 7.]

Appeals from Division Courts.

Minister may  
appeal to High  
Court.

**230.** The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the Division Court Judge to the High Court of Justice at Toronto, by serving notice in writing of such appeal upon the Clerk of the Division Court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)" But nothing herein contained shall be held to interfere with the right of any of the parties to the suit exercising the ordinary right of appeal. [R. S. O. c. 203, s. 8.]

Judge to send  
papers to  
High Court.

**231.** The Judge, whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. [R. S. O., c. 203, s. 9.]

No further  
proceeding  
to be taken  
after notice  
of appeal.

**232.** After notice of appeal has been served as hereinafter provided no further proceeding shall be had in such case until the matter of appeal has been decided by the High Court. [R. S. O., c. 203, s. 10.]

Judge to  
certify pro-  
ceedings to  
the Minister.

**233.** On the Judge receiving an intimation of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. [R. S. O., c. 203, s. 11.]

Order  
Court.

**234.** The High Court shall give such order or direction to the Court below, touching the judgment to be given in the matter, as law and equity require. [R. S. O., c. 203, s. 13.]

Costs.

**235.** The Court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the Court below. [R. S. O., c. 203, s. 14.]

Costs of appel-  
lant to be paid  
by Minister.

**236.** All costs awarded against an appellant, and all costs incurred by him, shall be paid by the Minister, and charged as contingent expenses of his office. [R. S. O., c. 203, s. 15.]

Proceedings  
in Division  
Court when  
appeal  
decided.

**237.** Upon receipt of such order, direction, and certificate, the Judge of the Division Court shall forthwith proceed in accordance therewith. [R. S. O., c. 203, s. 16.]

Submit case  
to Judge of  
High  
Court for  
decision.

**238.** The Minister of Education shall have power to submit a case on any question arising under *The Public Schools Act*, or *The High Schools Act*, to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for their opinion and decision. [R. S. O., c. 203, s. 17.]

*School*



*School Visitors.*

**239.** (1) All clergymen, judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the townships, cities, towns and villages where they respectively reside. Public School visitors defined.

(2) Every clergyman shall be a school visitor only in the township, town or city where he has pastoral charge. [R.S.O., c. 204, s. 206 (1) (2) (3).]

**240.** Each of the school visitors may visit the public schools in the township, city, town or village. They may also attend the quarterly examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they think advisable, in accordance with the regulations and instructions provided in regard to school visitors. [R. S. O., c. 204, s. 207.] Their authority to visit Public Schools

**241.** A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors in the township, city, town or village. [R. S. O., c. 204, s. 208.] General meeting of school visitors.

**242.** The visitors thus assembled may devise such means as they deem expedient for the efficient visitation of the schools, and for promoting the establishment of libraries and the diffusion of useful knowledge. [R. S. O., c. 204, s. 209.] Authority at such meetings.

*Penalties and Prohibitions.*

**243.** If any Township Clerk neglects or refuses to prepare and furnish the map of the school sections or other divisions of his municipality, as required by section 11, he shall be liable to a penalty not exceeding ten dollars, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. [R.S.O., c. 204, s. 224.] Information to County Clerk.

**244.** No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than five dollars, or more than ten dollars, to be sued for and recovered with costs before a Justice of the Peace, by the Public School trustees of the City, Town, Village, school section, or other division, for its use. [R. S. O. c. 204, s. 244.] Penalty for making a false declaration.

**245.** If any person elected as trustee of a rural school section does not make the declaration of office within two weeks after notice of his election, his neglect to do so shall be sufficient evidence Fine for default or in case of neglect to make declaration.

evidence of his refusing to serve, and of his liability to pay the fine of five dollars, as provided for in section 251 of this Act. [R. S. O. c. 204, s. 247.]

Trustees not  
to hold certain  
offices.

**246.** No trustee of a school section shall hold the office of Public School Inspector, or be a master or teacher within the section of which he is a trustee: nor shall the master or teacher of any Public, High, or Separate School hold the office of trustee, nor shall an Inspector be a teacher or trustee of any Public, High or Separate School while he holds the office of Inspector. [R. S. O. c. 205, s. 212.]

Seat vacated  
by conviction  
for crime, etc.

**247.** Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant and forthwith order a new election. [R. S. O., c. 204, s. 38.]

Seat vacated  
by interest  
in contract  
with corpora-  
tion.

**248.** Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another with the Corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. [R. S. O. c. 204, s. 225; 44 V. c. 30, s. 13.]

Penalty for  
not calling  
school meet-  
ings.

**249.** In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of five dollars, to be sued for and recovered before a Justice of the Peace, by any resident inhabitant in the rural school section, for the use thereof. [R. S. O. c. 204, s. 248.]

Penalty for  
disturbing a  
school or  
school meet-  
ing.

**250.** Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disquiets any Public School established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a Justice of the Peace, on the oath of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town, or Village within which the offence was committed,

committed, a sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justices may think fit. [R. S. O. c. 204, s. 249.]

**251.** If any person chosen as trustee refuses to serve he shall forfeit the sum of five dollars. [R. S. O. c. 204, s. 246.] Penalty for refusing to serve as trustee.

**252.** Every person so chosen who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of twenty dollars, to be sued for and recovered before a Justice of the Peace, by the trustees of the school section or division, or by any person whatsoever for its use, as authorized by this Act. [R. S. O. c. 204, s. 237.] Penalty for refusing to perform duties.

**253.** If the trustees of any Public School wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. [R. S. O. c. 204, s. 238.] Penalty for refusing to exercise corporate powers.

**254.** Any chairman who neglects to transmit to the County Inspector a minute of the proceedings of an annual or other rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than five dollars, to be recovered as provided by this Act. [R. S. O. c. 204, s. 246.] Penalty on chairman for neglect.

**255.** If any trustees of any school section refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. [R. S. O., c. 204, s. 229.] Liability for neglect to take security.

**256.** If any part of the Public School Fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action at law in any court having jurisdiction to the amount, or by information at the suit of the Crown. [R. S. O., c. 204, s. 230.] Responsibility in case of lost school moneys.

**257.** No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, Penalty on secretary-treasurer, or trustee for refusing to account.



treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or, account for, and pay over the same or any part thereof to the person, and in the manner directed by a majority of the school trustees for the school section then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. [R. S. O., c. 204, s. 231.]

Mode of proceeding.

**258.** (1) Upon application to the Judge of the County Court, by a majority of the trustees, or any two ratepayers in a school section supported by their affidavit made before some Justice of the Peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order. [R. S. O., c. 204, s. 232.]

(2) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. [R. S. O., c. 204, s. 232 (2).]

Judge to issue order.

**259.** At the time and place so appointed, the Judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded, the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. [R. S. O., c. 204, s. 233.]

Effect of non-compliance with Judge's order.

**260.** In the event of a non-compliance with the terms specified in such order, or any or either of them, the Judge shall order the said person to be forthwith arrested by the Sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. [R. S. O., c. 204, s. 234.]

Other remedy not affected.

**261.** No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. [R. S. O., c. 204, s. 235.]

**262.** The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a Rural School section, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be punished by fine or imprisonment, as provided by this Act. [R. S. O., c. 204, s. 239.]

Penalty on trustees refusing information, etc., to auditor.

**263.** (1) In case the trustees of any Rural School section neglect to transmit to the County Inspector, on or before the thirtieth day of June, and the thirty-first day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

Penalty for neglect to send half-yearly returns.

(2) The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. [R. S. O., c. 204, s. 240 and (2).]

**264.** In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their County Inspector by the fifteenth day of January in every year, each of them shall, for every week after such fifteenth day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by the County Inspector, and collected and applied in the manner provided for by this Act. [R. S. O., c. 204, s. 241.]

Penalty for delaying yearly report.

**265.** (1) If any trustee of a Public School knowingly signs a false report, or if any teacher of a Public School keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the Public School Fund of the Township the sum of twenty dollars, for which any person whatever may prosecute him before a Justice of the Peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Penalty for false school reports and registers.

(2) If, upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the Justice, be levied with costs by distress and sale of the goods and chattels of the offender.

Recovery by distress.

(3) The penalty, when so paid or collected, shall by the Justice be paid over to the said Public School Fund. [R. S. O., c. 204, s. 242 (2), (3).]

Application of penalty.

**266.** (1) The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited.

Trustees personally responsible for moneys lost.

feited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. [R. S. O., c. 204, s. 228 and (2).]

*General Prohibitions.*

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

**267.** No teacher, trustee, Inspector, or other person officially connected with the Education Department, the Normal, Model, Public, or High Schools or Collegiate Institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or to receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever. [R. S. O., c. 204, s. 227.]

*How Fines and Penalties may be Recovered.*

How penalties under this Act shall be recoverable.

**268.** (1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced, with costs, by and before any Police Magistrate or Justice of the Peace having jurisdiction within the school section, City, Town, or Village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting Justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the Police Magistrate or Justice paid over to the school treasurer of the school section, City, Town, or Village, or other party entitled thereto.

(3) In default of such distress, the Police Magistrate or Justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same, are sooner paid. [R. S. O., c. 204, s. 250.]

*Confirming and Saving Clauses.*

School lands granted before 1850 vested in trustees for school purposes.

**269.** All lands which, previous to the twenty-fourth day of July, 1850, were granted devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the Public School trustees of the school section or division in which such lands are respectively situate, shall continue vested in such trustees, and shall continue

continue to be held by said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held.

**270.** All school sections existing on the second day of March, 1877, and all unions of school sections comprised of parts of the same or different municipalities which on that date existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and such unions shall continue to exist, subject, however, to the provisions of this Act so far as applicable, as if they had been formed thereunder; and in cases where any union has heretofore been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award.

Unions exist-  
ing 2nd  
March, 1877,  
confirmed.

**271.** In the case of union school sections existing on the second day of March, 1877, and composed of portions of adjoining townships or portions of a township or townships, and a town or incorporated village, every such union school section shall, for the purposes of the election of trustees, be deemed one school section or division, and shall be considered in respect to inspection and taxation for school purposes as belonging to the township, town or village in which the school-house is situated.

Elections of  
trustees,  
inspection and  
taxation in  
union school  
sections and  
divisions exist-  
ing on 2nd  
March, 1877.

**272.** Subject to the provisions of section 273 of this Act, the Acts and parts of Acts set out in schedule "B" to this Act are hereby repealed; but the repeal thereof shall not revive any Act or provisions of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing prior to the said repeal to which they would otherwise apply.

Inconsistent  
enactments  
repealed.  
Exception.

**273.** Notwithstanding anything in this Act contained, the law and all Acts and parts of Acts relating to or affecting Roman Catholic Separate Schools, shall for all purposes and in all respects remain, continue and be as if this Act had not been passed.

Law as to  
Roman  
Catholic Sep-  
arate Schools  
not affected.

SCHEDULE.

FORM OF SCHOOL DEBENTURE.

PROVINCE OF ONTARIO.

\$				No.
Debenture of the	of	County of		, for
School Loan.				
The corporation of the	of		hereby promise to pay	
to Bearer at the Bank of	, at	, the sum of	dollars,	lawful



lawful money of Canada,                      year from the date hereof; and to pay interest at the rate of                      per cent. per annum, half-yearly, to the Bearer of the annexed coupons respectively, upon the presentation thereof at the said Bank.

Issued at                      , this                      day of                      , 18                      , by virtue and under the authority of the *Public School Act* of Ontario,                      Vict., chap.                      , and pursuant to By-law No.                      of said                      of                      , passed on the                      day of                      , A. D. 18                      , intituled "A By-law to raise by way of loan the sum of                      dollars for the purposes therein mentioned" (*or as the case may be*).

A. B., *Reeve*.

C. D., *Treasurer*.

<p>COUPON, No.</p> <p>The Corporation of the                      of                      will pay the Bearer at the Bank of                      , at                      , on the                      day of                      , the sum of                      dollars, interest due on that day on Debenture No.                      C. D., <i>Treasurer</i>.</p>
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## SCHEDULE "B."

### ACTS REPEALED BY THIS ACT :

Rev. Stat. Ont., c. 203, An Act respecting the Education Department.

"                      "                      204, An Act respecting Public Schools.

"                      "                      205, An Act respecting High Schools.

41 Vic. c. 8, ss. 20, 21 and 22, amendments to the Revised Statutes.

42 Vic. c. 34, An Act respecting Public, Separate and High Schools.

43 Vic. c. 32, An Act respecting certain amendments to the Public Schools Act.

44 Vic. c. 30, An Act for further improving the School Law.

45 Vic. c. 30, An Act respecting certain amendments in the School Law.

47 Vic. c. 45, An Act to amend the Act respecting Public, Separate, and High Schools.

## FORM "C."

Census of all children between the age of seven and thirteen in the (city, town or incorporated village) (*as the case may be*) of

Name.	Age.	Parent or Guardian.	Residence.

## CHAPTER 50.

## An Act to Consolidate and Amend the High Schools Act.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

*General.*

1. This Act may be cited as "*The High Schools Act, 1885.*" Short title.
2. "High Schools" shall include Collegiate Institutes, unless Interpretation.  
a contrary meaning appears.
3. All High School and Collegiate Institute divisions and Existing High School organizations continued.  
districts, together with all elections and appointments to office, and all agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to High Schools and Collegiate Institutes, existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. [R. S. O., c. 205, s. 2.]
4. There shall be a High School or High Schools or Collegiate Institute in every County and Union of Counties, to be distinguished by prefixing to the words "High School" or "Collegiate Institute," the name of the City, Town or Village within the limits of which the High School or Collegiate Institute is situated, but such High School or Collegiate Institute shall nevertheless be deemed to be one of the High Schools or Collegiate Institutes of the county, and within the municipal jurisdiction of the County Council. [37 V., c. 27, s. 35; 40 V., c. 16, s. 18 (1.); R. S. O., c. 205, s. 3 (*part*).] Name of each County High School.
5. In the case of a Union of Counties, the County Council upon a written requisition of a majority of the reeves and deputy reeves of any one County of such union, shall constitute such County a separate County for High School purposes; in which case such County shall contribute the equivalent of the Legislative grant to each of the High Schools which may be established therein, and in such amount separately from any other County within the jurisdiction of the County Council; and upon the like requisition the County Council shall pass the requisite by-law for abolishing existing High School Districts within such county, and deal with all matters relating to the High Schools therein. [41 V. c. 15, s. 1.] Separating a county from County High School purposes.
6. The County Council may constitute an Electoral District a separate District for High School purposes, in order that it may Electoral Districts as High School Districts.

may contribute to the support of one or more High Schools therein, as the Council may determine for such purpose, and in such amount separately from any other Electoral District under the jurisdiction of such County Council. [R. S. O., c. 205, s. 3, *part.*]

Discontinu-  
ance of High  
School.

7. Every County Council, at or before its June session in any year, but not later, may, with the approval of the Lieutenant-Governor, on the report and recommendation of the Minister of Education, change the location of or discontinue, at the end of the civil year, any existing High School in any part of the county within the jurisdiction of the said County Council. [See R. S. O., c. 205, ss. 5, 6.]

Establishment  
of New High  
Schools—re-  
striction.

8. Additional High Schools may, subject to the approval of the Lieutenant-Governor in Council, be established by a County Council in any County, on or before its June session in any year, providing the High School Fund is sufficient to allow of an apportionment at the rate of not less than four hundred dollars per annum to be made to such additional High School, without diminishing the fund which was available for High Schools during the next preceding year. [R. S. O., c. 205, ss. 8, 9.]

Establishment  
at end of the  
year.

9. Within the restrictions prescribed in section 8, it shall be lawful for the Lieutenant-Governor, on the report and recommendation of the Minister of Education, to authorize the establishment of an additional High School in any County at the end of the then civil year. [R. S. O., c. 205, s. 10.]

Cities and  
towns sepa-  
rated to be  
counties for  
High School  
purposes.

10. For all High School purposes every City and Town separated for municipal purposes from the County in which it is situated, shall be a County; and its Municipal Council shall be invested with all the High School powers possessed by County, City, or Town Councils. [R. S. O., c. 205, s. 11.]

Power to  
county and  
city or town  
separated to  
agree as to  
High School.

11. In case of High Schools situated in a City or Town separated from the jurisdiction of a County Council, it shall be lawful for the County Council and the Council of the City or Town to agree upon the terms and conditions of union under which such High School will be constituted the High School of the County as well as of the City or Town, and in such case the corporate name and appointment of trustees shall be governed by the provisions applicable to a High School situate in a Town not withdrawn from the County. [R. S. O., c. 205, s. 12, *part.*]

Instruction to  
be given in  
High Schools.

12. In every High School provision shall be made for instruction in all the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics; natural philosophy and mechanics, and the Latin, Greek, French, and German

German languages, so far as to prepare students for University College, or any college affiliated with the University of Toronto, according to such regulations, as shall be prescribed from time to time by the Department of Education, with the approval of the Lieutenant-Governor. [See R. S. O., c. 205, s. 39 (13).]

**13.** On the Report of the Minister of Education, and subject to the regulations of the Education Department, any High School having—

Collegiate Institute, how constituted.

(1) Suitable school buildings, out-buildings, grounds and appliances for physical training ;

(2) Library, containing standard books of reference bearing on the subjects of the programme ;

(3) Laboratory, with all necessary chemicals, and apparatus for teaching the Elements of Sciences ;

(4) Four Masters at least, each of whom shall be specially qualified to give instruction in one of the following departments: Classics, Mathematics, Natural Science and Modern Languages, including English ;

(5) Such other assistants as will secure thorough instruction in all the subjects on the curriculum of studies for the time being sanctioned by the Education Department for Collegiate Institutes ;

May be constituted a Collegiate Institute by order of the Lieutenant-Governor in Council.

#### *Trustees.*

**14.** (1) Every High School Board shall, except as hereinafter provided, consist of six trustees, and every trustee for the time being shall hold office until his successor is appointed.

Number and qualification of trustees.

(2) Any ratepayer of the full age of twenty-one years, and not disqualified under this Act, shall be eligible to be appointed a High School Trustee.

**15.** In Counties and Towns not separated from the County for municipal purposes, and in incorporated villages, three trustees shall be appointed from time to time by the County Council, and three by the Municipal Council of the Town or Incorporated Village in which the High School is situated, one of whom in the order of his appointment in each case shall retire from office on the thirty-first day of January in every year. [R. S. O., c. 205, s. 18, (2), s. 20, 28.]

Trustees, appointment of, in counties, towns and incorporated villages.

**16.** In unincorporated villages and townships the County Council shall appoint a Board of six Trustees, and shall by law determine their continuance and succession of office.

Trustees, appointment of, in unincorporated villages and townships.

**17.**



Annual  
appointment  
by Council.

**17.** (1) In every City and Town separated from the County for municipal purposes, the Council shall at the first meeting thereof after being duly organized, held in the month of January in each year, appoint two trustees to fill the vacancies caused by the annual retirement of that number of trustees from the High School Board. [R.S.O., c. 205, s. 26 ; 44 V., c. 30, s. 14.]

(2) When and so long as the only High School of the County is situated within a City, the Council of such County and city respectively, shall appoint three of the trustees of such High School. [R. S. O., c. 205, s. 21 (2).]

Vacancies,  
how filled.

**18.** Vacancies arising from the annual retirement of trustees shall be filled at the first meeting thereof after being duly organized in January in each year, by the Councils or Board of Trustees empowered under this Act to make appointments ; and vacancies arising from death, resignation or removal from the municipality, or otherwise shall be filled up as they occur by the Municipal Council or Board of Trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired part of the term for which the person whose place has become vacant was appointed to serve. [R. S. O., c. 205, s. 25, and (2).]

Appointment  
of High School  
Trustees in  
towns separated.

**19.** In case a County Council raises annually by assessment an amount equal to the grant from the Legislative appropriation which may be made to a High School situated in a Town separated from the municipal jurisdiction of such Council ; or, in case the County Council and the Council of the City or Town separated agree upon the terms and conditions of union under which the High School of such City or Town is constituted the High School of the County as well as of the City or Town, three of the trustees shall be appointed by the County Council, and three by the Municipality of the City, Town, or Incorporated Village in which the High School is situated. [R. S. O., c. 205, ss. 22, 23 ; 40 V., c. 16, s. 18 (4).]

Appointment  
of trustee by  
trustees of  
Separate  
School.

**20.** (1) Where there is a Roman Catholic Separate School established under *The Separate Schools Act* in any city, town or incorporated village in which a High School is established, it shall be lawful for the trustees of said Separate School to appoint one trustee of and for such High School, provided always that in the case of a united High and Public School Board such trustee shall not take any part in the proceedings of such Board in regard to any matter affecting the Public School.

(2) The selection and appointment of the said trustee under the provisions of this section shall be made annually in the month of January, except that as to the year 1885 such selection and appointment may be made at any time not later than the first day of July next after the passing of this Act.

**21.** (1) The Trustees of every High School shall be a corporation, by the name of "The ——— High School Board," (prefixing to the term "High School," or "Collegiate Institute," the name of the City, Town or Incorporated Village, within which such High School or Collegiate Institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. [R. S. O., c. 205, s. 37.]

High School trustees to be a corporation.

(2) The High School Board of any District formed by the County Council shall have all the powers within the said District possessed under this Act by High School Boards generally in respect to the support and management of the High Schools under their care. [R. S. O., c. 205, s. 38.]

Powers of District Boards.

### *First Meeting.*

**22.** The first annual meeting of the High School Board shall be held on the first Wednesday in February, at the place where the Municipal Council of the City, Town, or Incorporated Village in which the High School is situated, holds its meetings, and shall be organized by the election of a Chairman from amongst themselves and a Secretary, and a majority shall form a quorum for the transaction of business at any meeting. [R. S. O., c. 205, s. 39 (1), (2).]

First meeting, of Board.

**23.** (1) Until a Chairman is elected, the Secretary for the previous year shall preside, or if there be no Secretary, the members present shall select one of themselves to preside at the election of Chairman, and the member so elected to preside may vote as a member. [41 V., c. 15, s. 2.]

President at first meeting of Board, until election of chairman.

(2) In case of an equality of votes at the election of Chairman of any such Board, the member who is assessed as a ratepayer for the largest sum on the last revised Assessment Roll shall have a second or casting vote, in addition to his vote as a member. [41 V., c. 15, s. 3; 42 V., c. 34, s. 34.]

Equality of votes on the election of chairman.

**24.** The Chairman or presiding officer of the Board may vote with the other members of the Board on all questions, and any question on which there is an equality of votes shall be deemed to be negatived.

Chairman to vote.

### *Duties of Trustees.*

**25.** It shall be the duty of every High School Board—

Duties of Board.

(1) To fix the times and places of the Board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings. [R. S. O., c. 205, s. 39 (3).]

To fix meetings of the Board.

(2) To take charge of the High School for which they have been appointed trustees, and the buildings and land appertaining to it. [R. S. O., c. 205, s. 39 (4).]

To take charge of High School.

(3)

To erect,  
repair, and  
furnish  
schools, etc.

(3) To do whatsoever they may deem expedient with regard to erecting, repairing, furnishing, and keeping in order the buildings of such High School and the appendages, lands, and enclosures belonging thereto. [R. S. O., c. 205, s. 39 (5).]

To collect fees.

(4) To settle the amount to be paid by parents and guardians for each pupil attending the High School, to fix the times of payment, and, when necessary, to sue for and recover such amounts, and to pay the same to the treasurer of the said High School Board. [R. S. O., c. 205, s. 29 (9).]

To give orders  
for salaries  
and expenses.

(5) To give the necessary orders upon the Treasurer of the Board for the payment of the salaries of the masters, assistants, and other officers and servants of the High School, and of any other necessary expenses. [R. S. O., c. 205, s. 39 (10).]

To apply to  
Councils for  
sums for main-  
tenance.

(6) To apply to the Council of the municipality, or Councils of the respective municipalities, liable under this Act, on or before the first day of August, for such sum or sums as said Board may require for the maintenance, accommodation, and other necessary expenses of their High School, and as said Council is required by this Act, to raise by local assessment for these purposes.

Security from  
treasurer.

(7) To take such security from the Treasurer of the Board as they may deem expedient.

Expulsion of  
pupils.

(8) To expel, on the report of the Head Master, any pupil whose conduct may be deemed injurious to the welfare of the school.

To appoint  
and remove  
masters,  
assistants,

(9) To remove, if they see fit, and in case of vacancies, appoint a legally qualified master and assistants in the High School, and to fix their salaries and prescribe their duties. [R. S. O., c. 205, s. 39 (11).]

officers and  
servants.

(10) To appoint such other officers and servants in the High School as they may judge expedient, and fix their remuneration. [R. S. O., c. 205, s. 39 (12).]

Conduct of  
School.

(11) To see that the High School is conducted according to the provisions of this Act, and of the regulations prescribed by the Education Department; that the pupils of the High School are supplied with proper text-books; and that public half-yearly examinations of the pupils are held, and due notice given of them. [R. S. O., c. 205, s. 39 (14).]

Examinations

To make an  
annual report  
to Minister.

(12) To prepare and transmit, before the fifteenth day of January, to the Minister of Education, an annual report, certified by the Head Master and Trustees in accordance with a form provided by the Education Department for that purpose. [R. S. O., c. 205, s. 39 (15).]

### *High School Property vested in Trustees.*

High School  
property  
vested in  
Trustees.

**26.** All property heretofore given or acquired in any Municipality, and vested in any person or persons, or corporation, for High School purposes, or which may hereafter be so given or acquired,



quired, shall vest absolutely in the corporation of High School trustees having the care of the same, subject to such trusts as may be declared in the deed or instrument under which such property is held.

**27.** In case any lands in Ontario have been, or after the passing of this Act are surrendered, granted, devised, or otherwise conveyed to the Crown, or to the Trustees of any High School or to any trustees, in trust for the purposes of, or as a site for, any such High School or for any other educational institution established in any County or place therein for the benefit of the inhabitants thereof generally, and in case such lands are found not to afford the most advantageous site for such school or institution, or there being no school or institution bearing the precise designation mentioned in the deed of surrender, grant, devise, or other conveyance, or in case it may be for the benefit of such school or institution that such lands should be disposed of, and others acquired in their stead, for the same purpose, or the proceeds of the sale applied thereto, then such lands may be surrendered and conveyed as hereinafter provided. [R. S. O., c. 205, s. 67.]

Provision if lands granted for a school site are not suitable.

**28.** The Trustees in whom any lands mentioned in the next preceding section are vested in trust as aforesaid, may (with the consent of the Municipal Council, expressed at a legal meeting and certified under the hand of the head and corporate seal of the Municipality in which such school or institution has been or is to be established) surrender and convey such lands to the Crown unconditionally, and such conveyance shall vest the lands absolutely in the Crown, without formal acceptance by the Crown, the Lieutenant-Governor, or any other officer or person for the Crown. [R. S. O., c. 205., s. 68.]

Such lands may be surrendered to the Crown.

**29.** Any lands surrendered, granted, devised or otherwise conveyed to the Crown for any such purpose as aforesaid, may be sold by the order of the Lieutenant-Governor in Council, and the proceeds applied to the purchase of other lands to be vested in the Crown for the purpose of the same school or institution, or in the case of there being no school bearing the precise designation intended as aforesaid by the person who granted or devised the lands to the Trustees, from or through whom the lands so sold came to the Crown, then for the purposes of the High School or other public educational institution established for the benefit of the inhabitants of the Municipality generally, which in the opinion of the Lieutenant-Governor in Council comes nearest in its purposes and designs to that intended by such persons as aforesaid. [R. S. O., c. 205, s. 69.]

Such lands to be sold for the benefit of school, etc.

**30.** (1) If such proceeds are applied to the purchase of lands for High School purposes, the title to such lands may be vested in the Board of Trustees for any High School, by their corporate name; and if there is any surplus of such proceeds after such purchase,

Lands purchased vested in Board.  
Investment of surplus and proceeds.



chase, or if it is found that no lands are required as a site for, or for other purposes of, such school or institution, then such surplus or proceeds (as the case may be) may be invested or applied for the purposes of such school or institution, in such manner as the Lieutenant-Governor in Council deems most for the advantage thereof. [R. S. O. c. 205, s. 70.]

Purchasers  
not to see to  
trusts.

(2) No purchaser of land from the Crown under this Act shall be in any way bound to see to the application of the purchase money. [R. S. O. c. 205, s. 71.]

Private rights  
protected.

**31.** Nothing in this Act shall impair the rights of any person in or upon any lands, in so far as such rights would have existed and could be exercised without this Act. [R. S. O. c. 205, s. 72.]

*County Grants.*

Grants in  
towns, incor-  
porated  
villages and  
townships.

**32.** In the case of every High School in a town not withdrawn from the County, or in an incorporated Village, or in a Township, an amount equal to the amount paid by the Government shall be paid by the Municipal Council of the County in which such High School is situated, upon the application of the High School Board; and such other sums as may be required for the maintenance and accommodation of the said High School, to the amount at least of the grant received from the Legislative appropriation, shall be raised by the Council of the Municipality in which the High School is situate, upon the application of the High School Board. [42 V. c. 34, s. 32.]

Grant where  
several muni-  
cipalities  
formed into  
one High  
School Dis-  
trict.

**33.** In the case where two or more Municipalities or portions thereof within the County have heretofore been formed into and continue to constitute one High School District, or in cases where two or more such minor municipalities or portions thereof within the same County hereafter agree to form and constitute themselves into a High School District, then such sums as may be required for the maintenance and accommodation of the said High School (to the amount at least of the grant from the Legislative appropriation), shall be provided by the Municipalities of such High School District upon the application of the High School Board, and such sums shall be raised in the manner provided in this Act, and any by-law of the Council of a minor Municipality for uniting any portion of it to another Municipality within the same County for High School purposes, or for dissolving such union, shall be deemed the agreement of such portion, and shall be passed by such council if petitioned for by two-thirds in number of all the tax payers of such portion. [42 V. c. 34, s. 32.]

Council to  
provide sums  
required for  
maintenance.

**34.** In the case of cities and towns separated from the County for municipal purposes it shall be the duty of the Municipal Council to provide such sums as may be required  
for

for the maintenance and accommodation of the High School, upon the application of the High School Board, subject to the provisions of this Act.

**35.** (1) In any case where a High School Board may require the Municipal Council to raise or borrow a sum of money for the purchase of a school site, or the erection or purchase of any school-house or addition thereto, or for the purchase or erection of a teacher's residence, such Municipal Council may refuse to raise or borrow any such sum when it is so resolved by a two-thirds vote of the members present at the meeting of the Council, for considering any by-law in that behalf.

Council may refuse to raise money for purchase of school site, etc.

(2) When the Municipal Council, by a two-thirds vote, refuse to raise or borrow the sum proposed, then such question shall be submitted by the Municipal Council, if requested by the High School Board, to the vote of the electors of the Municipality in the manner provided by *The Consolidated Municipal Act* for the creating of debts, and in the event of the assent of the electors aforesaid being thereby obtained, then it shall be the duty of such Council to raise or borrow such sum.

School Board may require question to be submitted to electors.

(3) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding twenty, as the Municipal Council may think fit, and the Municipal Council may also in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by the three hundred and forty-fourth section of *The Consolidated Municipal Act*. [42 V. c. 34, s. 29.]

Debentures.

#### *Discretionary.*

**36.** The Council of every County and City and of every Town separated from the County for municipal purposes, may pass by-laws for the following purposes:—

(1) For making provision by assessment in addition to that required to be made by this Act, for procuring sites for High Schools, for renting, building, repairing, furnishing, and keeping in order High School houses and their appendages, grounds and enclosures.

Aiding High Schools.

(2) For obtaining within the County, or in any City or Town separated from the County, as the wants of the people may require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving, and repairing such High School houses, and for disposing of such property when no longer required.

Lands for High Schools.

(3) For making provision (additional to that required to be made by this Act) in aid of such High Schools, as may be deemed expedient by the Council.

Additional provision.

(4) For making a permanent provision for defraying the expenses, pupils com-

Expenses of

peting for  
scholarships,  
etc.

penses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School there, of such of the pupils of the High Schools or of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools possess competent attainments for competing for any scholarship, exhibition or other similar prize, offered by such University or College.

Attendance at  
High School.

(5) For making similar provision for the attendance at any High School, or for like purposes, of pupils of the Public Schools of the Municipality.

Endowing fel-  
lowships, etc.

(6) For endowing such fellowships, scholarships, or exhibitions, and other similar prizes in the University of Toronto, and in the Upper Canada College and Royal Grammar School there, for competition among the pupils of the High Schools of the county, as the Council deems expedient for the encouragement of learning among the youth thereof. [R. S. O., c. 205, s. 32.]

Moneys to  
be paid to  
treasurer,  
on or before  
fourteenth De-  
cember.

**37.** (1) All moneys raised in any Municipality or High School District, by local assessment, subscription, fees or otherwise, under the authority of this Act, shall be paid over to the High School Treasurer in such Municipality or District on or before the fourteenth day of December in every year. [R. S. O. c. 205, ss. 33, 34.]

Security by  
Treasurer and  
audit of his  
accounts.

(2) The Treasurer of every High School Board shall give security to the Board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the Municipal Auditors, whose duty it shall be to audit them in the same manner as the Municipal Treasurer's accounts are audited.

#### *Entrance Examinations.*

Examinations  
to be uniform.

**38.** There shall be a uniform Entrance Examination for the admission of pupils to the High Schools, at such times and places, on such subjects, and according to such regulations as may be prescribed from time to time by the Department of Education.

Board of  
Examiners.

**39.** The Board of Examiners for the admission of pupils to each High School shall consist of the Public School Inspector for the county, city, town, or district in which the High School is situated, the Head Master of the High School, and the Chairmen of the High, Public, and Separate School Boards, respectively. [R. S. O. c. 205, s. 55; 45 V. c. 30, s. 7.]

Remuneration  
of examiners.

**40.** The remuneration of the Examiners shall be not less than four dollars per day for presiding at such examination and for reading and valuing examination papers, but it shall be lawful for the County Council, or in case of cities or towns separated from the county, for the Board of Trustees, or Board

of



of Education, in lieu of such per diem allowance to pay said Board of Examiners a sum equal to seventy-five cents for every pupil presenting himself for examination, such sum to be divided among such members of the Board of Examiners as may be engaged in presiding and in reading and valuing examination papers in such proportions as the Board may by resolution from time to time determine.

**41.** Any pupil passing the required examination may be admitted to a High School provisionally, but it shall be competent for the Minister of Education, on the report of the Central Committee, to confirm, disallow, or cancel the admission of any pupil, or to require of any pupil further tests of proficiency in any of the prescribed subjects of examination. [R. S. O. c. 205, ss. 57, 58.]

Admission of pupils provisionally.

**42.** In cities and towns separated from the county the expenses of the Examination shall be borne in equal proportions by the Public and High School Boards, after deducting any fees authorized by the Department of Education; and in all other cases the expenses shall be borne by the County Council, after deducting fees as aforesaid. [45 V. c. 30, s. 7.]

Expenses of examination how defrayed.

### *Residence of Pupils.*

**43.** (1) Pupils residing in any part of the County or Union of Counties, shall have the right to attend any of the High Schools in the County or Union of Counties, upon the same terms as to payment of fees, or otherwise, as pupils resident in the Town, Incorporated Village, or School Division, within which the High School is situated.

Admission of pupils from county.

(2) This section shall not apply to High Schools in Cities and Towns separated from the county for municipal purposes, unless the County Council provides the required equivalent to the Legislative grant. [R. S. O., c. 205, s. 65.]

Exception

### *High School Masters.*

**44.** No person shall be qualified to be appointed head master of a High School unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Education Department of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as head master in any High School before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. [R. S. O., c. 205, s. 41.]

Head Masters to be University graduates.

**45.** All matters of difference between trustees, masters and assistants of High Schools in regard to salary or other remuneration, shall be brought and decided in the Division Court, by the

Settlement of disputes.



the Judge of the County Court, in each County: Provided always, that the decision of any County Judge in such cases may be appealed from, as provided for in *The Public Schools Act, 1885*. [R. S. O., c. 205, s. 42.]

Division Court judgment may be enforced.

**46.** In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of the foregoing section, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recovered in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. [R. S. O., c. 205, s. 43.]

Teacher entitled to salary during holidays and vacations.

**47.** (1) Every master or assistant of a High School shall be entitled to be paid his salary for the authorized holidays occurring during the period of his engagement with the trustees, and in case his engagement extends three months or over he shall then be paid in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year. [R. S. O., c. 205, s. 50.]

Case of sickness. Four weeks allowed.

(2) In case of sickness, certified by a medical man, he shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. [R. S. O., c. 205, s. 51.]

Teachers' general and class register.

**48.** Every Master and assistant of a High School shall, in the organization, discipline, management and classification of the pupils be subject to such regulations as may be prescribed by the Education Department.

Superannuation.

**49.** The provisions of *The Public Schools Act, 1885*, respecting superannuation shall apply to masters and assistants, of High Schools.

Terms.

**50.** The High Schools shall open on the seventh day of January, and close on the Thursday before Easter; they shall re-open on the first Tuesday after Easter, and close on the first Friday of July; they shall re-open on the last Monday of August, and close on the twenty-second day of December. [R. S. O., c. 205, s. 54.]

#### *Preparatory Classes or Schools.*

Preparatory classes.

**51.** (1) It shall be competent for the Board of Trustees of any High School to establish a preparatory school, class, or classes, for the preparation of pupils for admission to such High School.

Proviso as to teaching.

(2) No master or assistant employed in the High School shall teach in such preparatory school, class, or classes.

(3)

(3) No part of the Legislative grant or of the County assessment for High School purposes shall be applied towards the expenses of the establishment, teaching or maintenance of such preparatory school, class, or classes. As to legislative grant.

(4) No additional local assessment for High School purposes shall be applied towards such expenses without the consent of the Council of the Municipality in which the High School is situated. [R. S. O., c. 205, s. 40.] As to assessment.

### *Legislative Grant.*

**52.** Any sum of money appropriated by the Legislative Assembly for High School purposes shall be apportioned by the Minister of Education on the basis of salaries paid to masters and assistants, the character and equipment of school buildings and appendages, and the average attendance of pupils, according to such regulations as may be passed from time to time by the Education Department, approved by the Lieutenant-Governor in Council; and all moneys so apportioned shall be payable half-yearly to the Treasurer of the High School Board entitled to receive it, in such manner as may be determined by the Lieutenant-Governor, and notice of such apportionment shall be sent to each county clerk. [R. S. O., c. 205, ss. 74, 78.] High School apportionment payable half-yearly.

**53.** No High School which is not conducted according to this Act, and to the regulations prescribed by the Education Department, shall be entitled to receive any part of the High School Fund; nor unless a sum is provided from local sources, exclusive of fees, at least equal to the *minimum* sum apportioned to such High School, from the High School Fund, and expended for High School purposes. [R. S. O., c. 205, s. 80.] Condition of sharing in High School Fund.

**54.** (1) It shall be lawful for the Lieutenant-Governor in Council to prescribe a course of elementary military instruction for High School pupils, and to appropriate out of any money granted for the purpose a sum not exceeding fifty dollars per annum to any school employing a competent drill instructor, and in which school a class of not less than five pupils has been taught for a period of at least six months. Allowance for elementary military instruction.

(2) Such classes and instruction shall be subject to such inspection and oversight as the Lieutenant-Governor in Council may direct. [R. S. O., c. 205, s. 81.] Inspection.

### *Meteorological Observations.*

**55.** The master of every High School at which a meteorological station is or may be authorized by the Education Department shall make the requisite observations for keeping, and shall keep, a meteorological journal embracing such observations, and kept according to such form as may from time to time be directed by the Education Department, and all such journals Masters of certain High Schools shall make and transmit meteorological observations.

journals or abstracts of them shall be sent monthly by such master to the Minister of Education. [R. S. O., c. 205, s. 82.]

Allowance for making meteorological report.

**56.** Every High School meteorological station at which the daily observations are made, as required by law, shall be entitled to an apportionment, additional to that made to the High School out of the High School Fund, at a rate not exceeding fifteen dollars per month for each consecutive month during which such duty is performed, and satisfactory journals or monthly abstracts thereof are furnished to the Minister of Education (according to the form and regulations provided by the Education Department), by the head master observer, who shall certify that the observations required have been made with due care and regularity. [R. S. O., c. 205, s. 84.]

High School Trustees not to contract with Board.

**57.** No High School trustee shall enter into any contract, agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, or in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant, and notify the Clerk of the Municipality. [44 V., c. 30, s. 13.]

Vacancy in office of trustee, when caused.

**58.** If a trustee of any High School is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the Board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the School Municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and notify the Clerk of the Municipality accordingly. [R. S. O., c. 204, s. 38.]

Penalty for disturbing High Schools

**59.** Any person who wilfully interrupts or disquiets any High School established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the High School shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for Public School purposes to the school section, City, Town or Village within which the offence was committed, such sum not exceeding twenty dollars, together with the costs of conviction, as the said Police Magistrate or Justice may think fit. [R. S. O., c. 205, s. 87.]



## CHAPTER 51.

## An Act respecting the Property of Insane Persons in Gaols.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Inspector of Prisons and Public Charities shall *ex officio* and by his name of office be the committee of the estate of every person, certified in the manner required by section 30 of the Revised Statute of Ontario, chapter 220, to be insane, who is detained in any gaol or other prison which is under the authority of the Government of this Province, if such person has no other committee lawfully appointed, whether such person has been committed to gaol under the said Revised Statute, or has been committed for safe custody, or in default of sureties to keep the peace, or is imprisoned upon conviction for any offence, or otherwise howsoever.

When inspector to be committee of person certified as insane under R. S. O., c. 220, s. 30.

2. (1) The Inspector shall have the same authority and power to take or recover possession of, lease, mortgage, sell and convey any property of any insane person, of whom he is committee under the preceding section, as he has under the said Revised Statute, or under the Act passed in the forty-third year of Her Majesty's reign and chaptered 36, entitled *An Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane* with respect to the property of lunatics of whom he is committee under the said Revised Statute, and he may, notwithstanding such insane person may have been discharged from gaol or may have recovered, or died, complete any lease, mortgage, sale or conveyance in respect of which proceedings have been commenced while such insane person was confined in gaol.

Authority of inspector over property.

(2) No such lease, mortgage, sale or conveyance shall take place without the concurrence of the Attorney-General of Ontario.

3. Sections 50, 51, 53, 54 and 55 of the said Revised Statute, and sections 1, 2 and 5 of the said *Act to make further provision respecting the Estates of Persons confined in Asylums for the Insane* shall apply to the Inspector in his dealings with any such estate and as committee thereof.

R. S. O., c. 220, ss. 50, 51, 53, 54, 55, and 43 V. c. 36, ss. 1, 2 and 5 to apply to inspector.



## CHAPTER 52.

An Act to amend the Act providing for employing persons without the walls of Common Gaols.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

41 V., c. 24, s. 1, repealed.

1. The first section of the Act passed in the forty-first year of Her Majesty's reign, entitled *An Act to provide for employing persons without the walls of Common Gaols* is hereby repealed and the following substituted therefor;

Lieutenant-Governor may authorize employment of prisoners outside gaol.

1. The Lieutenant-Governor in Council may, from time to time, direct or authorize the employment upon any work or duty, the nature of which is specified in the Order in Council, beyond the limits of any Common Gaol, of any prisoner who is sentenced to be imprisoned with hard labour in such gaol under the authority of any Statute of Ontario, or for the breach of the by-laws of any municipal corporation in this Province.

## CHAPTER 53.

An Act to make further provision respecting Private Asylums for Insane Persons.

[Assented to 30th March, 1885.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Medical Superintendent may give patient into custody of his friends.

1. In case the Medical Superintendent of any Private Asylum considers it conducive to the recovery of any of the persons confined in such Asylum that any such person should be entrusted for a time to the care of his friends, such Medical Superintendent may allow such person to return on trial to his friends, upon receiving a written undertaking by one or more of the friends of such person, that he or they will keep an oversight over such person.

Recommittal to asylum.

2. In case, within six months from such probational leave, such patient again becomes dangerous or unfit to be at large, it shall

shall be lawful for the Medical Superintendent by whom such patient was so enlarged with the consent of the Inspector of Asylums and Prisons, or one of the visitors, to be endorsed on the warrant, by his warrant directed to any person or persons, or to any constable or peace officer, or to all constables or peace officers, to authorize and direct that such patient be apprehended and brought back to the Asylum from which he was probationally enlarged, and such warrant so endorsed shall be an authority to any one acting thereunder to apprehend the person named therein and to bring him back to the said Asylum.

3. A Medical Superintendent of any Private Asylum may admit to and detain therein any patient from any Province of the Dominion of Canada, who is certified to be insane by two physicians duly authorized to practise as such in the Province where such patient has his domicile, provided such certificates of insanity are made in accordance with the requirements of section 40 of chapter 221 of the Revised Statutes of Ontario, and schedule C therein mentioned, but any patient so admitted and detained in a Private Asylum from any other Province must, within fifteen days of such admission, be examined by one duly qualified physician of the Province of Ontario.

Admission of patients from other provinces.

4. Section 40 of chapter 221 of the Revised Statutes of R. S. O. c. 221, Ontario is hereby amended by substituting the word "fifteen" s. 40, amended. for the word "seven" in the eleventh line thereof.

5. The Medical Superintendent of any Private Asylum may upon the written application of the person desiring admission, receive and detain therein as a patient, any person who though not insane, is desirous of submitting himself for the treatment of epilepsy, hysteria, chorea-amentia or any nervine or physical ailment, provided that one physician certifies in writing that such patient is afflicted with epilepsy, hysteria, chorea-amentia or some other nervine or physical ailment, and that there is a danger such ailment will develop into mental derangement unless it is properly treated, but no patient thus voluntarily admitted shall be detained more than three days after he has given notice in writing to the Medical Superintendent of his or her intention or desire to leave such Asylum.

Admission of person requiring treatment

6. When a patient is received into any Private Asylum upon his own application, the Medical Superintendent shall give immediate notice of such reception to the secretary of the Board of Visitors, stating all the particulars of the case; and one or more members of the board or the secretary thereof shall forthwith visit such patient in order to verify the fact of such patient's having been admitted voluntarily and all the facts in connection with such case shall be forthwith recorded in the visitors' book by the person making the enquiry.

Notice of admission of person under s. 5 to be given to Board of Visitors.

Penalty on  
physician  
giving false  
certificate  
maliciously.

7. Any physician who with express malice, or corruptly signs any false certificate of insanity for the purpose of aiding to procure the confinement of any sane person in a Private Asylum shall, upon judgment being given against him in the High Court of Justice in an action for damages on account of such malicious or corrupt act, *ipso facto* be incapacitated from practising as a physician in Ontario for the period of five years thereafter, unless the court in which such judgment is recovered shall see fit to remove such incapacity or shorten the limit thereof. The name of such physician shall, upon production of a certified copy of the judgment to the Registrar of the College of Physicians and Surgeons for Ontario, be removed from the register, and shall not be restored thereto during such incapacity.

R. S. O. c. 224  
ss. 7 & 8 to  
apply to Pri-  
vate Asylums.

8. Sections 7 and 8 of *The Prison and Asylum Inspection Act* shall hereafter apply to Private as well as Public Asylums for the Insane.

## CHAPTER 54.

An Act to legalize a certain By-Law of the Village of Alliston.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the municipal council of the corporation of the Village of Alliston, in the County of Simcoe, did on the eighth day of September, in the year of our Lord one thousand eight hundred and eighty-four, pass a by-law after the same was duly approved by the ratepayers of the said village, intituled a "By-law to aid and assist in the rebuilding of the Vulcan Foundry," and which said by-law is numbered eighty-one; And whereas the said by-law has been duly promulgated according to law, and no application or suit has been made or entered to quash the same, but in consequence of the said by-law providing for the payment of the debentures to be issued thereunder and the interest thereon by certain special annual rates instead of by a certain specific sum to be raised annually in each year during the currency of the debt, and also of certain formal defects in the said by-law doubts exist as to its validity; And whereas the Vulcan Foundry referred to in the said by-law has been rebuilt on the faith of the said by-law, and the debentures authorized thereby have been issued thereunder and negotiated, and the said corporation has received the proceeds thereof, but owing to the aforesaid doubts the said corporation hesitate to pay over the money in accordance with the provisions of the said by-law, and are threatened with litigation by the persons entitled thereto; And whereas the municipal council

council of the corporation of the Village of Alliston have petitioned praying that for the purpose of removing all doubts as to the validity of the said by-law arising from defects either of form or substance, an Act may be passed to confirm and legalize the said by-law number eighty-one, of the said Village of Alliston; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number eighty-one of the municipal council of the Village of Alliston, above in part recited, is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law are hereby declared valid and binding upon the said corporation of the said Village of Alliston and the ratepayers thereof.

By-law No. 81  
of Alliston  
and debentures  
issued thereunder  
declared valid

## CHAPTER 55.

### An Act respecting a certain By-law of the Village of Beamsville.

[Assented to 30th March, 1885.]

WHEREAS William Gibson by his petition applied to the corporation of the Village of Beamsville for the passing of a by-law enabling him to lay down a tramway from his stone quarries in the Township of Clinton through the Village of Beamsville to the station of the Grand Trunk railway in the said Township of Clinton; and whereas the said corporation of the Village of Beamsville in accordance with the said petition passed a by-law, number forty-nine, on the eighteenth day of September, one thousand eight hundred and eighty-four, empowering the said William Gibson to lay down a tramway through certain streets in the said village; and whereas the said William Gibson, in pursuance of the powers granted to him under the said by-law, proceeded to lay down and complete said tramway, and has used the same for the purpose of hauling stone from his quarry in the said Township of Clinton; and whereas doubts have been expressed as to the power of the said corporation to pass any such by-law, and the said William Gibson and the said corporation of the Village of Beamsville have respectively petitioned that an Act be passed to remove said doubts and to confirm and make valid the acts of the said William Gibson, done under and upon the faith of the said by-law, and it is expedient to grant the prayer of the said petition;

Preamble.

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Consent of corporation to construction of tramway, declared binding.

1. The consent of the said corporation of the Village of Beamsville to the construction of the said tramway by the said William Gibson upon the several streets specified in by-law number forty-nine of the said corporation passed on the eighteenth day of September, one thousand eight hundred and eighty-four, is hereby declared to be binding, legal and valid in all respects upon the said corporation, inhabitants and property holders of the said village, and all other persons whomsoever.

Acts of W. Gibson declared valid.

2. The acts of the said William Gibson done under the said by-law in the construction of the said tramway are hereby declared to be legal and valid.

Rights and liabilities, etc., of W. Gibson and of corporation.

3. The rights, liabilities, obligations and duties of the said William Gibson and the said corporation, by reason of the passing of the said by-law, shall be the same, and no other greater or less than if the Municipal Council of the said corporation had, at the time of the passing of the said by-law, the same authority for granting the powers and rights thereby granted to the said William Gibson as were then possessed by township councils.

Costs of application pending in High Court of Justice not affected.

4. Nothing in this Act contained shall be held or taken to affect the question of costs of the application now pending in the Queen's Bench Division of the High Court of Justice for Ontario styled "In the matter of William Kew and James J. Bradt, and the Municipal Corporation of the Village of Beamsville and William Gibson"; and the costs of, and incidental to, the said matter shall be disposed of by the said Court or a Judge thereof, as if this Act had not been passed.

## CHAPTER 56.

### An Act to Consolidate the Debenture Debt of the Town of Durham.

[Assented to 30th March, 1885.]

Preamble.

**WHEREAS** the municipal corporation of the Town of Durham, by their petition, have represented that they have incurred debts and liabilities for the purpose of giving bonuses to railways to the extent of twenty-four thousand dollars, and for other purposes to the extent of three thousand and

and six hundred dollars, making in all an indebtedness of twenty-seven thousand six hundred dollars; that debentures for the above amount have from time to time been issued under the authority of various by-laws, each of which has made provision for the levying of a rate for the payment of the said debentures thereby authorized, which rate has not been hitherto levied in every year, as set forth in said by-laws; that the amount of each of the said rates so intended to be levied was calculated upon the assessed value of the assessable property included within the said corporation at the respective times when the said several by-laws were passed; that the said several by-laws provided for the levying in future at the rates therein respectively mentioned, not only upon the said assessed value, but also upon any increase in the said assessed value which might thereafter be made; that since the times of the passing of the said several by-laws the proportion which the actual value of the said assessable property bore to the assessed value thereof at the respective times of the passing of the said several by-laws has not been maintained, but the said assessed value thereof has been increased to a far greater extent than the actual value thereof, by reason whereof the rates directed to be levied by the said several by-laws would now be oppressive; and that by reason of the irregular arrangement and the short dates of the respective times at which the said several debentures are made redeemable, and the non-levying of any rates for several years hitherto as aforesaid, the rates now required for such redemption would in the future be oppressive, for which reasons and upon various other grounds they have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for the purpose of discharging such indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the Town of Durham are hereby consolidated at the sum of twenty-seven thousand six hundred dollars, and it shall be lawful for the said corporation of the Town of Durham to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, or in Great Britain, or elsewhere who may be willing to lend the same, a sum of money not exceeding twenty-seven thousand six hundred dollars of lawful money of Canada.

Debts consolidated at the sum of \$27,600.

2. It shall be lawful for the said corporation of the Town of Durham to pass a by-law, or from time to time to pass by-laws, authorizing a loan or loans not exceeding in all the sum of twenty-seven thousand six hundred dollars, and further authorizing

Authority to pass by-laws for issue of debentures.

authorizing the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Debentures may be issued to the amount of \$27,600.

4. It shall be lawful for the municipal council of the said corporation of the Town of Durham after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation from time to time, as occasion may require, under the corporate seal, signed by the Mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of twenty-seven thousand six hundred dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable yearly.

Debentures, when and how payable.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province or in Great Britain or elsewhere, as the said council may by the said by-law or by-laws direct, and a portion of the said debentures issued under any such by-law and each of such by-laws shall be made payable in each year for thirty years from the time or times at which such by-law or by-laws authorizing the issue of the same shall respectively be passed, and so that the sums to be levied under the said by-law or each of the said by-laws for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of twenty-seven thousand six hundred dollars and not otherwise, and shall for that purpose from time to time be deposited as the same shall be received, and until the same shall be required for the said purpose, in any branch or agency of



of any chartered bank of Canada in the said Town of Durham or elsewhere in the Province of Ontario, or invested in Government securities or stocks either of the Dominion of Canada or the Province of Ontario, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall be withdrawn therefrom only as the same may be required from time to time for the payment and redemption of the said outstanding debts and liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said <sup>Outstanding debentures may be called in.</sup> outstanding debts and liabilities.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied. <sup>By-laws not to be repealed until debt satisfied.</sup>

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to, invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures or the said outstanding debts and liabilities or any part thereof, and to apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever. <sup>Investment of money raised by special rate.</sup>

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council to procure such treasurer to keep, and see that he does keep <sup>Treasurer to keep books shewing state of debenture account.</sup>



a proper book of account setting forth a full and particular statement so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is hereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section six of this Act. The said book of accounts and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Inconsistent provisions in Municipal Acts not to apply.

**11.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

46 Vict., c. 18, ss. 411-413, incorporated in this Act.

**12.** Sections four hundred and eleven, four hundred and twelve, and four hundred and thirteen of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Liability of corporation not discharged.

**13.** Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Durham from any indebtedness or liability which may not be included in the said debt of twenty-seven thousand six hundred dollars.

## CHAPTER 57.

An Act to authorize the Corporation of the Village of  
Essex Centre to borrow certain moneys.

[Assented to 30th March, 1885.]

**W**HEREAS the corporation of the Village of Essex Centre, Preamble.  
by their petition have represented that it would be for the advantage of the village and the agricultural community of the neighbourhood, to have suitable grounds for the holding of agricultural exhibitions within the limits of the corporation; and whereas they have represented that most desirable grounds and buildings can be procured for that purpose for a sum not exceeding five thousand dollars, which grounds are situated within the limits of the said corporation; and whereas doubts exist or have arisen as to the power of the said corporation to issue debentures for the purchase of the said grounds and buildings, and they have therefore prayed that they may be authorized to issue debentures for the purpose of providing funds for the purchase of the said grounds; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions of *The Municipal Act*, as to obtaining the assent of electors in respect of by-laws creating debts, the corporation of the Village of Essex Centre are hereby empowered to issue debentures to the amount of five thousand dollars and for no greater sum, for the purpose of providing funds to purchase the said exhibition grounds and the buildings thereon erected, and it shall and may be lawful to and for the said corporation to raise the said sum by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate either in this Province or elsewhere, who may be willing to lend the same. Power to borrow \$5,000 for purchase of exhibition grounds.

2. It shall and may be lawful for the said corporation of the Village of Essex Centre to pass a by-law or by-laws authorizing the said loan of five thousand dollars, and the issuing of the debentures therefor, in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Special Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal when the same shall fall due of the said debentures last mentioned. Power to pass by-law authorizing loan.

Issue of  
debentures  
authorized.

3. It shall and may be lawful for the municipal council of the said corporation of the Village of Essex Centre, after the passing of such by-law or by-laws authorizing the same, in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the reeve, and countersigned by the treasurer and clerk of the said village for the time being, for such sums, not exceeding in the whole the said sum of five thousand dollars as the said council shall direct and appoint, bearing interest at a rate not exceeding six per centum per annum.

Payment of  
debentures.

4. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, with the interest accruing thereon, may be made payable in this Province or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for twenty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sum or sums to be levied for principal and interest shall be as nearly equal in each year as may be; and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of  
proceeds of  
debentures.

5. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said sum of five thousand dollars as in the preamble to this Act mentioned, and not otherwise, and shall for that purpose be deposited, until required, in the agency of any chartered bank of Canada, doing business in the Province of Ontario, or invested in government securities or stock, either of the Dominion of Canada, or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required, from time to time, for the payment of the said debentures so issued as aforesaid, amounting to the said sum of five thousand dollars and the interest thereon, or some part thereof, and not otherwise.

Restriction as  
to repeal of  
by-law  
authorizing  
loan.

6. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act, authorizing the said loan shall not be repealed until the debt created under such by-law, and the interest thereon, shall be fully paid and satisfied.

Inconsistent  
provisions in  
Municipal  
Acts not to  
apply.

7. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act; and

no

no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof.

Defects of  
form not to  
invalidate  
debentures.

## CHAPTER 58.

### An Act respecting the Debenture Debt of the City of Guelph.

*[Assented to 30th March, 1885.]*

**W**HEREAS the Corporation of the City of Guelph has an outstanding debenture debt of more than two hundred and twenty-eight thousand seven hundred dollars, or thereabouts, portions whereof fall due during the year one thousand eight hundred and eighty-six, and two following years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property in said city will not in any of such years be sufficient to meet the current annual expenses of said city, and such portion of the said debenture debt as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet as aforesaid will be (as nearly as may be) about ten thousand dollars; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow on new debentures such amount as may be reasonable to meet a portion of the said outstanding debentures maturing, and to become due as aforesaid in the said years; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to section two of this Act, the corporation of the City of Guelph may from time to time, during the years one thousand eight hundred and eighty-six, one thousand eight hundred and eighty-seven, and one thousand eight hundred and eighty-eight, pass by-laws authorizing the issue of new debentures of the said city for an amount not exceeding in any one such year the sum of ten thousand dollars, for the purpose of retiring or renewing a portion of the debentures now outstanding against the said city, and falling due within the year

Power to issue  
debentures for  
purpose of  
retiring por-  
tion of  
outstanding  
debentures.

in



Proviso.

Proviso.

Proviso as to  
outstanding  
school  
debentures.

in which such new debentures may be issued as aforesaid ; and such new debentures to be issued as aforesaid, under said by-laws, may be in such sums, and to such amounts, either in Canadian or sterling currency, as said corporation may deem best ; provided always that such by-laws shall be in conformity and shall comply with the provisions of *The Consolidated Municipal Act*, and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said city to the passing of any such by-law as aforesaid, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act* or any other general Act now or hereafter to be in force in this Province ; and provided further that, subject as aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all moneys arising therefrom, shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing, and becoming due as aforesaid in the said years.

2. Notwithstanding anything in this Act contained, all of the said now outstanding debentures, which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said City of Guelph are not now liable or compellable to be rated or assessed shall be provided for, retired and paid in all respects as if this Act had not been passed.

## CHAPTER 59.

An Act to amend the Acts relating to the Waterworks of the City of Hamilton.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the corporation of the city of Hamilton have petitioned for certain amendments in the Acts relating to the waterworks of the city of Hamilton with a view to simplifying and facilitating the keeping and collection of the accounts in connection with such waterworks ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

In lieu  
system of  
discounts, an

1. Notwithstanding anything in the several Acts relating to the waterworks of the city of Hamilton contained, it shall be lawful

lawful for the council of the said city to pass a by-law or by-laws providing for the addition of a certain percentage or percentages to rates not paid at maturity in lieu of and substitution for the system of discounts heretofore in operation under the said Acts; and the collector or collectors shall have the like powers for levying the said addition to the rate or rates as for levying the rate or rates, and shall levy the same accordingly.

additional charge may be made where rates not paid at maturity.

## CHAPTER 60.

An Act respecting an agreement entered into between the Corporation of the Town of Ingersoll and the North and West Oxford Agricultural Society.

[Assented to 30th March, 1885.]

**W**HEREAS the corporation of the Town of Ingersoll, in the County of Oxford, and the North and West Oxford Agricultural Society, did enter into a certain agreement bearing date the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four, which is set out in the schedule to this Act in full; and whereas the said corporation and the said society have by their petition prayed that the said agreement may be legalized and confirmed; and whereas it is expedient that the prayer of the said petition should be granted;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said agreement in the schedule to this Act set out is hereby declared to be legalized, confirmed and made binding upon the parties thereto, and their successors in office.

Agreement confirmed.

2 It shall and may be lawful for the said Association to enter upon and occupy, during the time of holding their exhibitions, a portion of the street separating Victoria Park from the agricultural grounds, which said street is known and described as Frank Street, by the erection of good and sufficient fencing, which fencing is to be removed immediately upon the closing of the exhibition.

Association to have power to occupy a portion of Frank Street and to fence same.

3. The said Association shall also have power to define by by-laws to be passed at annual meetings or special meetings called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business

Power to regulate conduct of business on grounds of Association.

ness or sell their wares, and may require from all such persons as they may deem expedient to allow to enter the grounds for the purpose aforesaid a permit, which permit shall be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may deem expedient.

Privileges determined by omission to hold fair.

4. It is hereby declared that in the event of the said Association omitting or refusing to hold their annual exhibition for any two successive years, according to the terms and conditions of the said agreement then, and in such case, all the rights and privileges conceded to the said Association, under the said agreement and this Act, shall absolutely cease and determine.

#### SCHEDULE.

This Indenture, made the twentieth day of June, in the year of our Lord one thousand eight hundred and eighty-four,

Between the Corporation of the Town of Ingersoll of the first part, and the North and West Oxford Agricultural Society of the second part,

Witnesseth, that whereas the said parties of the second part are the owners of a building on their grounds in the said Town of Ingersoll, being park lots nine, ten and eleven, on the east side of McKeand Street, and south of the Grand Trunk Railway, known as the Crystal Palace;

And whereas the said corporation are the owners of that certain property in the Town of Ingersoll, known as Victoria Park, lying between Frank and Wellington Streets, and south of the mill stream;

And whereas, an agreement has been entered into between the parties hereto, for the transfer by the parties of the second part of the said building, now situate on their land, to the parties of the first part, for the purposes of enabling them, the said parties of the first part, to place same in said park.

Now this Indenture witnesseth that the said parties of the second part, in consideration of the covenants of the said parties of the first part hereinafter contained, hereby assign, transfer and set over to the said parties of the first part, their successors and assigns, the building aforesaid situate on their said land, provided that the same be removed by the said parties of the first part, within three months from the date hereof.

And the said parties of the first part in consideration of the premises, hereby covenant with the said parties of the second part, that they will at their own cost, charges and expenses, within four months from the date hereof, remove the said building from the lands of the said parties of the second part, where the same is now situated, unto the land of the said parties  
of

of the first part, known as Victoria Park aforesaid, and set up and enlarge the same by the addition of fifty feet on one end of said building, and put it in proper repair so as to be fit for the purposes for which it is now used, and they further give and grant to the said parties of the second part and their successors, the exclusive right to use the same, so long as they shall faithfully observe their covenants hereinafter contained, on the days in each year on which they shall hold their annual or semi-annual fairs, together with the said park at the same time and times and for the same period, for the purposes of exhibiting in said building such articles of husbandry and of art as are usually exhibited at such fairs, and of shewing in the said park at their fall fairs only in each year, such horses as may be brought there for exhibition, which are under the control of some person or persons, but no other live stock whatever is to be exhibited in said park.

And the said parties of the first part further give and grant unto the said parties of the second part and their successors, the right to retain to their own use such fees as they can legally exact for entrance into said park on the days on which said fairs are held, and the further right so far as they legally can to exclude from said park on the days of holding such fairs as aforesaid all persons refusing to pay such lawful fees.

And the said parties of the first part covenant with the said parties of the second part to assist them by all legitimate means in procuring such legislation as may be necessary in carrying out the above objects.

And the said parties of the second part for themselves, their successors, hereby covenant and agree to and with the said parties of the first part, their successors and assigns, that they will hold an annual fair in the months of September or October in each year, for the purpose of exhibiting live stock within the limits of the said corporation, and that they will only require the use of the said park or buildings on the days and times above named, and for the purposes above set out at their annual or semi-annual fairs for exhibiting articles of husbandry and works of art, and horses at their fall fairs.

It is further agreed by and between the parties hereto that in the event of the parties of the second part, their successors or assigns, violating any of the covenants or conditions of this agreement in regard to the use and occupation of said park, as above stipulated, or of their omitting to hold their annual fair in any two years in succession, for the purpose of exhibiting live stock on their own grounds, and horses in the said park, according to the true intent and meaning of these presents, then all rights and privileges reserved to the said parties of the second part, their successors and assigns, by virtue of these presents, both to the use of said building and to the use of the said park, shall absolutely cease and determine without remedy therefor, it being the true intent and meaning of the parties hereto that the concessions made to the said parties of the  
second



second part are for the purposes of ensuring to the parties of the first part the benefit of an annual fall exhibition, as above set out, within the limits of the said corporation.

And the said parties of the second part covenant with the said parties of the first part that they will at the time of the alteration of the building hereinbefore referred to contribute one hundred dollars towards the expenses of building a refreshment booth in the said park.

The parties of the first part agreeing for themselves to build a refreshment booth in said park on receipt of said one hundred dollars, not less than twenty feet by forty feet (20x40 feet), to be built of same style and finish as the main building, and floored as the committees of both boards have agreed.

In witness whereof the said parties hereto have hereunto set the hands of the Mayor and President and their corporate seals, the day and year first above written.

Signed, sealed and delivered in  
presence of  
(Sgd) THOMAS WELLS.

(Sgd) JAS. NOXON [L.S.]  
*Mayor.*

(Sgd) THOMAS BROWN [L.S.]  
*President.*

(Sgd) R. A. WOODCOCK,  
*Town Clerk.*

## CHAPTER 61.

An Act to declare valid certain By-laws of the Town of Lindsay, and a Lease made between the said Town of Lindsay and Richard Sylvester.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the Council of the Corporation of the Town of Lindsay have by their petition represented that they have for the purpose of promoting the prosperity of their town and with the intention of petitioning the Legislature to pass an Act legalizing, confirming and declaring valid the same passed certain By-laws entitled; "A By-law No. 350, being a By-law to lease a portion of the Queen Square reserve to Richard Sylvester," and dated and passed on the 6th March, 1882; "A By-law No. 409 to amend By-law 350," and dated and passed on the 7th April, 1884; and "A By-law No. 423," being a By-law

By-law to lease a portion of the Queen Square Reserve to Richard Sylvester for a period of 99 years and to empower the Mayor to sign the lease dated and passed on the 15th December, 1884, said By-laws being numbered 350, 409 and 423, respectively, and set forth in Schedule "A" to this Act; and whereas the Council of the said Corporation of the Town of Lindsay, for the purpose above set forth, have by a lease dated on the twelfth day of November, 1884, and set forth in Schedule "B" to this Act, demised to Richard Sylvester, of the said town, for a period of 99 years, at a nominal rental, a certain parcel of land known as that part of the Queen's Square lying south of Kent street, and west of Victoria Avenue, in the Town of Lindsay, for the purpose of erecting thereon an establishment for the manufacture of agricultural and other machinery; and, whereas among other things the Council of the Corporation of the said Town of Lindsay have agreed to apply for legislation to legalize, confirm and declare valid a clause in the said agreement dated 12th November, 1884, to the following effect, viz:—"that the lands and premises demised, and buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business shall be and continue exempt from all taxes, rates, levies and assessments whatsoever, during the currency and continuance of this demise;" and, whereas the Corporation of the Town of Lindsay aforesaid have prayed for an Act for this purpose, and it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. By-laws numbers 350, 409 and 423, of the Town of Lindsay, as hereinbefore recited, and bearing date respectively the sixth March, one thousand eight hundred and eighty-two, the seventh April, one thousand eight hundred and eighty-four, and fifteenth December, one thousand eight hundred and eighty-four, set forth in schedule "A" to this Act, are hereby legalized, confirmed and declared valid; and the agreement bearing date the twelfth day of November, one thousand eight hundred and eighty-four, between the Council of the corporation of the Town of Lindsay and Richard Sylvester, set forth in schedule "B" to this Act, is hereby legalized, confirmed and declared valid, and the exemptions from taxation therein referred to shall include all municipal taxes, school taxes, county taxes and rates imposed by the county on certain municipalities grouped for the purpose of aiding the Whitby, Port Perry and Lindsay Railway by way of bonus.

By-laws 350,  
409 and 423  
confirmed.

2. It is hereby expressly declared that according to the true construction and meaning of the said lease the said exemption from taxation does not apply to any part or parts of the lands and premises mentioned in said lease or any part or parts of

Construction  
of Lease.

of

of the buildings erected or to be erected thereon, which shall be used for any other purpose than the purpose of manufacturing reapers, mowers, seeders, threshing machines, ploughs, harrows, rakes, and agricultural implements and general machinery and only applies to such machinery, stock, manufactured goods and personal property as shall be in the use or possession of the said Richard Sylvester, his executors, administrators or assigns on the said premises for the purpose of carrying on the business of manufacturing the said articles, and to the income derived from the said business.

Limitation on  
right of manu-  
facture.

3. It is hereby expressly declared and enacted that with the exception of ploughs the said Richard Sylvester, his executors, administrators or assigns shall not under the said lease engage in the manufacture of any articles which shall be constructed or manufactured by any other person or persons, firms or corporations in the Town of Lindsay at the time of his or their commencing the construction or manufacture of the same.

#### SCHEDULE "A."

##### *By-law No. 350.*

A By-law to authorize the Municipal Council of the Town of Lindsay, to lease that portion of the Queen's Square lying south of Kent street and west of Victoria Avenue excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester, for manufacturing purposes.

Be it enacted by the Municipal Council of the Town of Lindsay, and it is hereby enacted,

That the Council of the Town of Lindsay be and are hereby authorized and empowered to grant a lease of that portion of the Queen's Square in the said Town of Lindsay lying south of Kent street and west of Victoria Avenue (excepting that portion thereof now occupied by the drill shed, and twelve feet west of said drill shed) to Richard Sylvester, of the village of Enniskillen, for the term of twenty-one years from the first day of January, one thousand eight hundred and eighty-two, and in said lease to agree to renew the said lease for a further term of twenty-one years at a yearly rental of twenty cents a year, free from municipal taxes and assessments, the said lands to be used and employed for the purpose of erecting buildings thereon for the purpose of carrying on a machine shop and manufacturing establishment for the manufacture of farming implements in general, including reapers, mowers and horse rakes.

Be it further enacted that the said lease shall contain conditions that in the event of the said Richard Sylvester, or his  
representatives

representatives ceasing to employ twenty men for at least eleven months in the year, in the said manufacturing establishment or machine shop, the said land shall be subject to rent and taxes, the said rent to be fixed by arbitration, one arbitrator to be appointed on behalf of this municipality, one by Mr. Sylvester or his representatives, and these to appoint a third, whose award, or any two of them, shall be final.

Be it further enacted that the said lease be signed and executed on behalf of this municipality by the mayor of the said town, who is hereby authorized to sign the same and affix the seal of this municipality thereto, and that the said lease be further subject to the stipulations and conditions contained in a prior agreement between the said Richard Sylvester and the manufacturers' committee of said Town of Lindsay heretofore submitted to this council, passed this sixth day of March, one thousand eight hundred and eighty-two.

(Signed) JAMES B. KNOWLSON,  
*Clerk.*

(Signed) J. W. WALLACE,  
*Mayor.*

[Corporate Seal]

*By-law No. 409.*

A By-law to amend By-law No. 350 of the Town of Lindsay, a By-law to authorize the municipal council of the Town of Lindsay to lease the portion of the Queen's Square lying south of Kent street and west of Victoria Avenue, excepting that portion occupied by the drill shed, and twelve feet to the west of said building, to Richard Sylvester for manufacturing purposes.

Whereas the municipal council of the town of Lindsay, by its By-law No. 350, authorized the leasing of a portion of the Queen's Square to Richard Sylvester, free from municipal taxes and assessment; and whereas a misunderstanding has arisen as to the words "municipal taxes and assessments," in the said By-law, and it is desirable to explain the same more fully.

Be it therefore enacted by the municipal corporation of the Town of Lindsay, and it is hereby enacted,

That By-law No. 350 be amended by inserting immediately after the words "municipal taxes and assessments" the words "derivable from or assessable against said lands and premises, and all personal property, and all income derived from the business carried on in said premises."

Passed this 7th day of April, A. D. 1884.

(Signed) JAMES B. KNOWLSON,  
*Clerk.*

(Signed) J. W. WALLACE,  
*Mayor.*

[Corporate Seal]

*By-law*



*By-law No. 423.*

A By-law to grant a lease of a portion of the Queen's Square in the Town of Lindsay, lying west of Victoria Avenue, and south of Kent street, to Richard Sylvester, for the term of ninety-nine years, and to authorize and empower the Mayor of the said Town of Lindsay to execute the said lease.

Be it enacted by the Municipal Corporation of the Town of Lindsay, and it is hereby enacted,

That this municipality grant a lease of all that portion of the Queen's Square in the Town of Lindsay lying west of Victoria Avenue and south of Kent street, for the term of ninety-nine years from the twenty-second day of March in the year of our Lord one thousand eight hundred and eighty-two, to Richard Sylvester, his heirs, executors, administrators and assigns, at the rental of twenty cents a year, and on terms, covenants and agreements, stipulations and conditions in the hereto annexed lease set out which is incorporated in this By-law and made part thereof. That the mayor be and is hereby authorized and empowered to execute the said lease on behalf of this municipality.

Passed this 15th day of December, A.D. 1884.

(Signed) JAMES B. KNOWLSON,

*Clerk.*

(Signed) J. W. WALLACE,

*Mayor.*

[Corporate Seal.]

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SCHEDULE "B."

This Indenture made in duplicate the twelfth day of November, in the year of our Lord one thousand eight hundred and eighty-four, between the Municipal Corporation of the Town of Lindsay, in the County of Victoria, of the first part, and Richard Sylvester, of the said Town of Lindsay, manufacturer, of the second part,

Witnesseth, that in consideration of the rents, covenants and agreements hereinafter reserved and contained, and which, by and on behalf of the said party of the second part, his executors, administrators and assigns, are to be paid, done and performed, they, the said parties of the first part have demised and let, and by these presents do demise and let unto the said party of the second part, his executors, administrators and assigns, all and singular the following lands and premises, situate, lying and being in the Town of Lindsay, in the County of Victoria, and being composed of all that part of the market or Queen's Square

Square lying south of Kent street and west of Victoria Avenue, containing by admeasurement one acre and a half be the same more or less, with full liberty for him, the said party of the second part, his heirs, executors, administrators and assigns to make, erect, maintain and carry on all buildings, machinery works and operations which he or they may think necessary or advisable for manufacturing reapers, mowers, seeders, threshing machines, ploughs, harrows, rakes and agricultural implements and general machinery.

To have and to hold the said premises hereby demised unto the said party of the second part, his executors, administrators and assigns, henceforth for and during the term of ninety-nine years, to be computed from the twenty-second day of March, one thousand eight hundred and eighty-two, and fully to be completed and ended. Yielding and paying therefor to the said party of the first part, their successors and assigns, during the term hereby created, the clear yearly rent or sum of twenty cents of lawful money of Canada, to become due and be payable on the first day of April in each and every year during the continuance of the said term; and whereas the party of the second part has under the conditions in a certain indenture of lease, bearing date the twenty-third day of March, one thousand eight hundred and eighty-two, and made between the parties hereto erected on a portion of said premises suitable buildings of brick, for the carrying on of the manufacture of agricultural implements, &c., as in said lease is set out, and is now carrying on said manufacture; and whereas the said party of the second part is desirous of enlarging his said buildings, and has applied to the said parties of the first part for an extension of the term in said lease contained and for additional lands which the parties of the first part have agreed to grant, and do hereby grant as hereinbefore set out.

This demise is on this express condition, that the party of the second part shall actually and bona fide carry on within the said buildings so erected, and to be erected, the said manufacture of agricultural implements and machinery, and employ in and about the said manufacture of said implements and machinery an average of twenty employees for eleven months in each year of said term, and shall continue the same with the said number of employees for eleven months in each year of said term (except in case of damage or destruction by fire, tempest or other casualty rendering it necessary to cease carrying on said manufacture in order to rebuild or repair said buildings, for which a reasonable time shall be allowed, which time shall not exceed one year; and that in the event of the said manufacture of said agricultural implements and machinery being at any time abandoned or suspended for a longer period than three (3) months in any year (except in case of fire, tempest or other casualty as above set out) or should the average number of employees be less than twenty for eleven months in any year, then the said party of the second part, his heirs,

heirs, executors, administrators and assigns shall, during such time or times, year or years, pay all taxes, rates and assessments on said premises. Provided, however, that on his or their again complying with the above requirements and conditions, the exemption from taxation shall be renewed, and continue in full force whilst and so long as the party of the second part, his heirs, executors, administrators and assigns so comply with the said conditions and requirements. And the said party of the second part, for himself, his executors, administrators and assigns, covenants with the party of the first part, and their assigns, that he will henceforward and during the continuance of the term hereby created, employ, and keep employed an average of twenty employees for eleven months in each year of the said term in and about the manufacture of said implements and machinery, not ceasing to employ said number of employees for a longer period than one month in each year (save and except in case of damage or destruction of the buildings by fire, tempest or other casualty) and in that event only for a reasonable and necessary time to rebuild or repair said buildings, such time, however, not to exceed one year, and that he will not carry on the manufacture of any of the said implements in any other place in the Province of Ontario during the currency of this demise; and that in the event of the failure to employ and keep employed an average of twenty employees in said manufactory during eleven months in any year, that he, his executors, administrators or assigns, will, and until he shall employ the said number of employees, well and truly pay all taxes, rates and assessments which may be levied or rated against the said lands, buildings, machinery, personal property and income, from the same in and about the demised premises. It is hereby agreed by and on behalf of the said parties of the first part, that it shall and may be lawful for the said party of the second part and his representatives to remove the building and manufactory at any time on giving to the parties of the first part, or their assigns, three months notice in writing of his intention so to do. And the said party of the second part hereby agrees that in the event of the said building being removed by him the said party of the second part, his executors, administrators or assigns, that he or they will surrender the term hereby created, and will restore the land to the condition in which it was at the date of the lease of the twenty-third of March, one thousand eight hundred and eighty-two; and that at the expiration or other sooner determination of the term hereby created, will peaceably and quietly retire from the occupation and possession of the land occupied by him or them by virtue hereof, and deliver and yield up possession thereof to the said party of the first part or their assigns; and that the party of the second part, his executors, administrators or assigns, will on demand in the month of July in each year, exhibit for inspection to the Chairman of the Finance Committee of the Town Council for the time being his pay roll or pay sheet shewing



shewing the actual number of employees engaged by him or them throughout the previous year in carrying on said manufactory, and on refusal so to exhibit his pay roll as aforesaid, the council of the said town may, upon the report of the said chairman, find that the failure has been made in employing the said number of operatives; and the said parties of the first part, in consideration of the premises, and of the performance of the conditions, stipulations and agreements by the said party of the second part and his legal representatives, they the said parties of the first part covenant with the said party of the second part, his executors, administrators and assigns, in manner following, that is to say, that the said party of the second part, his heirs, executors, administrators or assigns, performing the covenants and conditions herein contained and to be performed by him and them, shall and may quietly and peaceably enjoy the said demised premises during the said term, and that the lands and premises hereby demised, and the buildings erected or to be erected thereon, and all the machinery, stock, manufactured goods, personal property and income derived from the said business of the said party of the second part, his heirs, executors, administrators or assigns shall be and continue exempt and free from all taxes, rates, levies and assessments whatsoever during the currency and continuance of this demise; and that the said parties of the first part will from time to time and at all times hereafter during the said term, pass and enact all necessary by-laws to secure the said exemption to the said party of the second part, his executors, administrators and assigns; provided always that should the said party of the second part, his heirs, executors, or administrators or assigns cease to carry on said works as aforesaid, and that the said premises shall be and remain idle for the space of three years continuously during the term hereby granted the party of the first part, or their assigns, may upon giving to the party of the second part, his heirs, executors, administrators or assigns, six months' notice of their intention so to do, enter into and upon the said demised premises or any part thereof, in the name of the whole, and the same to have again, repossess and enjoy as in their first and prior estate, and the party of the second part and his heirs, executors, administrators and assigns and all persons claiming under him or them thereout to expel, put and remove, anything hereinbefore contained to the contrary notwithstanding, and this lease and the term thereunder shall cease and become null and void; and the said parties of the first part further covenant with the said party of the second part that they will, within the period of the next five years, obtain from the Legislature of the Province of Ontario, the right to exempt the said premises, buildings, machinery, stock, manufactured goods, personal property and income from taxation during the said term, provided always that notwithstanding anything hereinbefore contained to the contrary, this lease is subject to any existing right in the crown of, in or to, the



the ground on which the drill shed stood and the lane adjoining thereto.

In witness whereof the corporation of the said Town of Lindsay has hereunto affixed the seal of the said corporation by the hand of John Wallace, Mayor of the said corporation, and the said Richard Sylvester, party hereto, hereunto sets his hand and seal.

Signed, sealed and delivered } (Signed) J. W. WALLACE,  
in presence of } Mayor.  
[Corporation Seal]

Witness: (Signed) RICHARD SYLVESTER.

(Signed) JAMES B. KNOWLSON, [Seal]

(Signed) A. O'LEARY.

## CHAPTER 62.

An Act to authorize the Corporation of the City of London to borrow certain Moneys.

[Assented to 30th March, 1885.]

### Preamble.

WHEREAS, the Municipal Council of the Corporation of the City of London, have by their petition represented that the said Corporation are the owners of certain lands in the Town of London East, known as "Salter's Grove," and of certain lands in the said City of London, at present used for exhibition purposes; that it is desired by the said corporation to sell the said lands, and to purchase other lands for exhibition, park, and military purposes, and to improve the same by building thereon and otherwise; and that to carry out the said object it will be necessary for the said corporation to be authorized to borrow money; and have prayed for the passing of an Act to enable them to carry out the said object, and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to acquire lands for the purposes of a park, etc.

1. The said municipal council may from time to time pass by-laws for acquiring such lands as they may deem necessary, and whether within or without the limits of the said city, for the purposes of a public park and exhibition grounds, and in the event of arrangements being made with the Government of the Dominion of Canada for the transfer to the said corporation

tion of the present militia grounds in the said city, or any part of them, for providing other militia grounds and erecting buildings on the lands so to be acquired as aforesaid, and otherwise improving the said lands for the purposes aforesaid.

2. The said municipal council may pass a by-law or by-laws for borrowing such sum or sums of money as they may require for the purpose of purchasing, building upon, and improving the said lands so to be acquired as aforesaid, and issue debentures therefor which may be made payable within such period not exceeding twenty years, and with such rate of interest not exceeding six per centum per annum payable yearly, half-yearly or otherwise as the said council may think fit.

Power to borrow for purpose of purchasing and improving lands.

3. The amount to be borrowed under the authority of this Act shall not exceed the value of such of the lands mentioned in the preamble to this Act as the said municipal council may within two years after the passing of this Act declare it to be expedient to dispose of, and the value, in case arrangements shall be made for acquiring the same, of the militia grounds or so much of them as shall be obtained from the Dominion of Canada.

Borrowing powers limited to value of land.

4. The value of the said lands shall be ascertained and determined by the estimate of the city assessors or such other person as the said municipal council may by by-law appoint for that purpose, and such estimate shall, when filed with the clerk of the municipality, be conclusive evidence for the purposes of this Act of the value of the said lands.

Value of land how determined.

5. The said municipal council may appoint three trustees to whom the said lands shall, when it has been determined to dispose of them, be conveyed to be held by them upon trust to sell and dispose of the said lands as directed from time to time by the said council and after the payment thereof of the costs and charges attending the execution of their trust, to apply the produce thereof in payment of the principal and interest of the moneys which shall be borrowed under the authority of this Act, and to pay over the surplus, if any, to the Treasurer of the said city for the general purposes thereof.

Lands to be sold may be conveyed to trustees.

6. The said trustees shall hold office for one year from the time of their appointment, and their successors shall be appointed annually, and vacancies occurring in the office of trustee shall be filled by the said council for the residue of the term of office of the trustee whose office becomes vacant.

Term of office of trustees.

7. The said trustees shall be a corporation to be called and known as the City of London Trust, and shall not be entitled to any remuneration for their services.

Trustees to be a corporation.

8. The said trustees may sell the said lands in parcels and for

Terms of sale.

for cash or upon credit, and may take security by mortgage on the lands sold or any other lands, for so much of the purchase money as may remain unpaid.

Trustees to sell any securities held by them if required by council.

9. The said trustees shall, if and as required by the said council, sell and dispose of the mortgages and securities taken by them on account of the sale of the said lands, and apply the produce thereof in paying the debentures issued under the authority of this Act.

If lands sold do not produce sufficient to pay off moneys borrowed, special rate to be levied.

10. If the produce of the sale of the lands conveyed to the said trustees shall not be sufficient to pay off the moneys borrowed under the authority of this Act, and the interest thereon within five years from the passing of this Act, it shall be the duty of the said council, after the expiration of the said period of five years, to raise by special rate upon all the rateable property within the said city, yearly, during the currency of the said debentures, a sum sufficient to pay the annual interest of the then outstanding debentures, and a sum sufficient with the estimated interest on the investments thereof (the rate of such interest not to exceed five per centum per annum, capitalized annually) to discharge the debt when payable.

Assent of electors to by-law, etc., not required.

11. It shall not be necessary that any by-law passed under the authority of this Act shall receive the assent of the electors, or that any of the provisions of *The Consolidated Municipal Act* relating to by-laws for creating debts shall be complied with.

Form of debentures.

12. Every debenture issued under the authority of this Act shall have upon the face of it written or printed the words, "City Trust Debenture," and it shall be conclusively presumed in favour of the holder of any such debenture that the same was lawfully issued under the authority of this Act.

Statements to be furnished by trustees.

13. The trustees shall annually or oftener if required by the said council, deliver to the clerk of the municipality a statement shewing the state of the trust fund in their hands, and such other information as the council may from time to time require.

## CHAPTER 63.

## An Act respecting the City of London and the Town of London East.

[Assented to 30th March, 1885.]

**W**HEREAS the Municipal Councils of the Corporation of Preamble.  
the City of London and of the Town of London East have by their petition represented that it is desirable to annex the said Town of London East to the said City of London and have prayed that an Act may be passed to effect such annexation, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Town of London East is hereby annexed to and shall henceforth be included within and form part of the said City of London, and shall constitute a new ward of the said city, to be called and known as Ward Number Five, subject to the same provisions of law as would be applicable if such addition had been made under *The Consolidated Municipal Act, 1883*, and amendments thereto, except in so far as the same are inconsistent with the provisions of this Act.

Town of London East to form part of City of London, as Ward No. 5.

2. The last revised assessment roll and voters' list of the said Town of London East, prior to the time this Act takes effect, shall be the assessment roll and voters' list for said Ward Number Five for the year in which this Act takes effect, and all proceedings with reference to the assessment roll, collector's roll and voters' lists respectively, if not completed, shall be continued after this Act takes effect by the proper officers in that behalf of the Corporation of the Town of London East holding office at the time this Act takes effect until they shall have respectively completed their duties, and such officers shall be deemed and considered officers of the Corporation of the City of London until such duties are completed, and such last mentioned assessment roll, collector's roll and voters' lists shall be the assessment roll, collector's roll and voters' lists for the said Ward Number Five for the year in which they are respectively made.

Assessment roll and voters list of Ward No. 5.

3. The Mayor, Reeve and First Deputy Reeve elected for the said Town of London East at the last municipal election before the coming into force of this Act, shall be the three Aldermen for the said Ward Number Five, and shall hold office for the same term as the other aldermen of the said City of London.

Aldermen of Ward No. 5 for current year.

4. Immediately after this Act takes effect the Public School Board of the Town of London East shall cease to exist, and all Assets, etc., of public school board of London East to be



vested in  
board of edu-  
cation of City  
of London.

all its assets, rights, credits and effects shall become and be vested in the Board of Education for the City of London for public school purposes, which Board of Education shall be liable for the duties and obligations of the said public school board, and the necessary proceedings shall be at once had and taken for the election of two public school trustees for said Ward Number Five under the provisions of the Statutes in that behalf providing for the filling of vacancies occurring during the year, and the trustees elected at such election shall serve as public school trustees on the said board of education for the City of London, one for the remainder of the current year and one for the remainder of the current year and one year thereafter, the order of their retirement to be determined by lot between them and recorded by the secretary of the said Board of Education at the first meeting thereof to be held after such election shall have taken place.

Property of  
Corporation of  
London East  
vested in Cor-  
poration of  
City of Lon-  
don.

5. All property of every nature and kind and wheresoever situate, all rights, credits and effects, and all deeds, bonds, papers, writings and other documents belonging to or under the control or in the possession of the council of the corporation of the Town of London East shall, when this Act takes effect, vest in the corporation of the City of London for all the estate and interest therein of the corporation of the Town of London East, and shall be thereupon forthwith delivered to such person as the council of the corporation of the City of London shall appoint for that purpose.

Liabilities of  
Corporation  
and school  
board of Lon-  
don East to be  
liabilities of  
City of Lon-  
don.

6. All the existing liabilities, debts and obligations of the said corporation of the Town of London East and the said school board respectively, including the share of the said corporation of the liabilities, debts and obligations of the County of Middlesex shall, after this Act takes effect, be the liabilities, debts, and obligations of the corporation of the City of London, and shall be met, discharged, observed and kept by the corporation of the City of London as if the same had been originally incurred, contracted or entered into by the said last mentioned corporation.

Lands added  
to city not re-  
leased from  
certain exist-  
ing obliga-  
tions.

7. Nothing in this Act contained shall exempt the lands so added to the said City of London as aforesaid from liability for the debts and obligations contracted before this Act takes effect by the county, township or other municipality of which the said lands for the time being formed a part and for which they shall then be liable, or from any special rate or assessment imposed thereon by any by-law heretofore passed by the council of the said Town of London East, and all such by-laws are hereby confirmed.

Liability of  
sureties for  
officials of  
London East  
preserved.

8. All sureties for the several officials of the said Town of London East shall be and remain liable as if they had become sureties for such officials to the corporation of the City of London in the  
first

first instance, and all bonds and securities which shall have been given to the corporation of the Town of London East at any time before this Act takes effect shall enure to the benefit of the corporation of the City of London, and the said last mentioned corporation shall have the rights and remedies thereto and thereunder, and be entitled to recover thereon to the same extent and under the like circumstances as the corporation of the Town of London East could have had had this Act not been passed.

9. The councils of the corporations of the City of London and of the County of Middlesex respectively, may settle and agree upon all questions, claims, demands or disputes existing between the corporation of the Town of London East and the corporation of the County of Middlesex at the time this Act takes effect, or which may arise out of the annexation of the said Town of London East to the said City of London, but in the event of the councils of the said two corporations not being able to agree, then all such questions, disputes, claims and demands shall be determined by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and in adjusting and settling the same, the arbitrators shall ascertain and allow to the said City of London the value of the interest which the said corporation of the Town of London East had at the time this Act takes effect in the property and assets of the said county, and shall make all just allowances as in the case of the separation, and the adjustment of debts and assets of municipalities under the provisions of *The Consolidated Municipal Act, 1883*, and the sum which shall be payable by or to the corporation of the City of London under this section shall be added to and form part of or be deducted from (as the case may be) the excess of the debt of the said Town of London East to be ascertained under section 14 of this Act.

Settlement of questions with County of Middlesex.

10. It shall be lawful for the corporation of the City of London to agree with the Grand Trunk Railway Company of Canada that in consideration of the said company rebuilding, establishing and maintaining within the limits of the said city as enlarged by this Act, car works, locomotive or other workshops connected with their said railway, and giving employment therein to not less than five hundred workmen, they will exempt for ten years the said company and its property within the said city from payment of taxes to the extent of at least three thousand five hundred dollars per annum while at least five hundred workmen are so employed, and to the extent of five hundred dollars per annum in addition for every additional one hundred workmen who shall be so employed, while they shall be employed, and the council of the corporation of the City of London shall be bound to pass a by-law granting such exemption at any time within one year from the time this Act takes

Agreement with G. T. R. Company respecting exemption from taxation authorized.

takes effect upon being required so to do by notice in writing signed by the aldermen for the time being of the said Ward Number Five.

Special rate  
for street im-  
provements.

**11.** For the period of five years from the first day of January next, after this Act takes effect, a separate rate or sum shall be levied for street improvements in the said city, and during the said period the proceeds of the said rate or sum levied or collected upon or in respect of property situate or being within that part of the said City of London which now comprises the said Town of London East, shall be expended for street improvements in the said last mentioned part of the said city.

Limitation of  
taxes to be  
levied in part  
of city formed  
from Town of  
London East.

**12.** For the period of five years from the first day of January next, after this Act takes effect, the amount to be raised by taxation upon property within that part of the said City of London which now comprises the said Town of London East not including the rates for school purposes, and for payment of that part of the debts of the said two municipalities which becomes the debt of the whole city under the provisions of section 14 of this Act, and for payment of the excess of the debt of the said Town of London East also mentioned in said section, shall not exceed the sum of \$9,000 together with the amount required to furnish the said part of the said city with such additional advantages as the Aldermen for the said Ward Number Five, or a majority of them may require, or which the said portion of the said city shall receive in consequence of its annexation to the City of London, but nothing in this section contained shall affect the provisions of section 13, nor shall expenditures on water works' account be included in determining the limit of taxation provided for by this section.

Rates and  
charges for  
water-works.

**13.** The rates and charges relating to waterworks and supply of water to be paid by the inhabitants of that part of the said city which now comprises the said Town of London East shall be the same as those for the time being payable by the other inhabitants of the said city, and shall be charged, collected and dealt with in the same manner as all such rates and charges are for the time being charged, collected and dealt with in the city; and the proportion of the charge for the use of hydrants situate on Adelaide street to be raised by taxation within the said part of the said city as provided by sections 11 and 12, shall be one-half the charges made for the use of other hydrants within the said city for the time being.

Provision for  
adjustment  
of debts of  
city and town.

**14.** (1) In case the two corporations shall not agree, the amount of the debts of the corporation of the City of London and of the corporation of the Town of London East, shall be ascertained and determined by arbitration, and the actual cash value of the property and assets of the said two corporations shall also be



be ascertained and determined by arbitration, and the excess (if any) of the debt of each of the said municipalities over the actual cash value of its property and assets, so ascertained and determined as aforesaid, shall be a charge and be levied and collected by means of a rate upon the property within the limits of that part of the said city whose municipal council contracted such debt, until such excess shall be paid off and satisfied, and the whole of the debts of the said two corporations other than the said excess shall be the debt of the said City of London as hereby extended, and shall be paid and discharged by taxation therefor upon the whole city as hereby extended.

(2) The arbitrators shall also ascertain and determine the annual sum (if any) which during the period of five years mentioned in section 12 of this Act, the said Ward Number Five ought to pay in respect of the additional advantages which it shall receive in consequence of its annexation to the said city, other than those additional advantages which the Aldermen of said Ward Number Five may require as mentioned in section 5 of this Act.

15. In estimating the value of the property and assets of the said two corporations under the next preceding section of this Act, the arbitrators shall take into consideration and deal with as an asset of the corporation entitled thereto any revenue which it may be in receipt of and which in the judgment of the arbitrators, or a majority of them, may fairly be estimated and capitalized.

Revenue to be treated as an asset if in opinion of arbitrators the same can be estimated and capitalized.

16. Debts of the School Board of the said Town of London East and of the Board of Education of the said City of London shall be deemed debts within the meaning of section 14 of this Act, and the property and assets of the said School Board and Board of Education shall be deemed property and assets within the meaning of said section.

Property and debts of school board to be deemed debts and assets under sec. 14.

17. The Municipal Council of the said City of London, as hereby extended, shall as soon as practicable, if required by the Aldermen of said Ward Number Five, or a majority of them, establish a branch fire station and a branch police station in the said Ward Number Five for the use of the said ward and the eastern portion of the said City of London, and the proportion of the cost of the same to be borne by the said Ward Number Five shall, if not agreed upon, be determined by arbitration under the provisions of section 20 of this Act, and to that extent shall be deemed an advantage within the meaning of section 12 of this Act.

Fire and police stations to be established in Ward No. 5.

18. The existing exemptions from taxation in favour of The Bennett Manufacturing Company (limited), and The London Steel Works Company, shall continue during the respective

Exemptions of certain works continued.

tive



tive periods provided by the by-laws granting the same, but subject to the provisions contained in said by-laws respectively.

Restriction as to by-laws interfering with oil works, etc., within limits of Ward No.5.

**19.** It shall not be lawful for the municipal council of the corporation of the City of London to pass any by-law to interfere with the right of the owner, tenant or occupant of any oil refinery or paraffine works or works for the manufacture of oil, paraffine, paraffine wax, benzine or other oils or substances of a similar nature, to carry on their business in that part of the said city which now comprises the said Town of London East as described and designated for that purpose by by-law of the municipal council of the corporation of the Town of London East, No. 159, passed on the 18th day of February, 1885, if a majority of the aldermen for the time being of the said Ward Number Five shall vote against the passing thereof.

Matters not specially provided for to be settled by arbitration under 46 V. c. 18.

**20.** The matters which it is hereinbefore provided shall be determined by arbitration, and such other matters, if any, as to which no provision is made by this Act and which are necessary or expedient for carrying into effect the purposes of this Act, and do not interfere with any of the special provisions thereof, shall be determined by arbitration, under the provisions of the *Consolidated Municipal Act, 1883*, and amendments thereto.

Corporation of London East continued for certain purposes.

**21.** Notwithstanding the provisions of this Act the corporation of the Town of London East shall continue to exist for the purpose of entering into any arbitration which may be necessary after this Act takes effect and carrying out the award of the arbitrators thereunder, and for all purposes necessary for working out the rights of all parties thereunder, and the aldermen for the time being of said Ward Number Five, or a majority of them, may exercise the powers of the said corporation, and use its corporate seal for those purposes.

Commencement of Act.

**22.** The provisions of this Act, except those relating to the arbitrations provided for by sections 14 and 20, shall not go into effect until the award provided for by the said sections shall have been made and a certificate thereof signed by the arbitrators or a majority of them shall have been deposited in the office of the Provincial Secretary.

## CHAPTER 64.

## An Act respecting the Debt of the Town of Napanee.

[Assented to 30th March, 1885.]

**W**HEREAS the corporation of the Town of Napanee, in the County of Lennox and Addington, have at various times passed certain by-laws authorizing the issue of debentures, and have issued under such by-laws debentures creating debts to the amount of fifty-nine thousand dollars, which said debentures are all now outstanding, and will fall due at various times, and funds have not been provided for redeeming the said outstanding debentures or paying the said debts; and whereas the said corporation of the Town of Napanee have petitioned to be authorized to consolidate the said debts of fifty-nine thousand dollars, and to discharge the said indebtedness by the issue of new debentures to that amount; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debenture debts of the corporation of the Town of Napanee are hereby consolidated at the sum of fifty-nine thousand dollars; and it shall and may be lawful to and for the said corporation of the Town of Napanee to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, body or bodies corporate, either in this Province, in Great Britain or elsewhere who may be willing to lend the same, a sum of money not exceeding fifty-nine thousand dollars of the lawful money of Canada.

Debt consolidated at the sum of \$59,000.

2. It shall and may be lawful for the said corporation of the Town of Napanee, in the County of Lennox and Addington, to pass a by-law or by-laws authorizing the said loan of fifty-nine thousand dollars and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Authority to pass by-laws for new debentures.

3. It shall not be necessary to obtain the assent of the electors of the said Town of Napanee to the passing of any by-law required.

Assent of electors to by-laws not required.

by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Issue of  
debentures to  
the amount of  
\$59,900  
authorized.

4. It shall and may be lawful for the municipal council of the said corporation of the Town of Napanee after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer of the said corporation for the time being for such sums, not exceeding in the whole the said sum of fifty-nine thousand dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly.

Debentures,  
when and how  
payable.

5. The principal sum to be secured by the debentures to be issued under the preceding sections of this Act, shall be payable either in sterling or currency; and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for thirty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of  
proceeds of  
debentures.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debts of fifty-nine thousand dollars, and not otherwise, and shall for that purpose be deposited until required in the agency of a chartered bank of Canada at Napanee or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt or any part thereof, and not otherwise.

Outstanding  
debentures  
may be called  
in.

7. The treasurer of the said Town of Napanee shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them above authorized to be issued by this Act upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

8.



8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not  
be repealed  
until debt  
created there-  
under is  
satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said Town of Napanee for the time being to deposit in a bank as hereinbefore provided or to invest from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same or derived from the investment of the said moneys, as hereinafter mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in government securities mentioned in the sixth section of this Act as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said last mentioned debentures or the said outstanding debentures or any part thereof and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures and not otherwise, nor for any other purpose whatever.

Investment o  
moneys raised  
by special rate.

10. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act or of the by-law or by-laws authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Inconsistent  
provisions in  
Municipal  
Acts not to  
apply.

Irregularity  
not to render  
by-law or  
debentures  
invalid.

11. Nothing in this Act contained shall be held or taken to discharge the said corporation of the Town of Napanee from any indebtedness or liability which may not be included in the said debt of fifty-nine thousand dollars.

Liability of  
corporation  
not  
discharged.



## CHAPTER 65.

An Act to confirm a certain By-law of the Town of Niagara Falls, and for other purposes.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS, by an Act passed in the thirty-third year of Her Majesty's reign, and chaptered thirty-two, known as the *Canada Southern Railway Act, 1869*, it is provided that the corporation of any municipality through any part of which the railway passes or is situate, may by by-law, specially passed for the purpose, agree with the said railway company to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and whereas, the municipal corporation of the Town of Niagara Falls has, by by-law number one hundred and fifty-eight, passed on the sixth day of January, one thousand eight hundred and eighty-five, agreed with the said company and also with the Niagara River Bridge Company, the Erie and Niagara Railway Company, and the Michigan Central Railroad Company, to commute all taxes and rates as therein specified, which may or might be payable by the said companies within that municipality for five years at a fixed sum of two thousand five hundred dollars per annum; and whereas, doubts have been expressed as to the application of the said Act to the said by-law, and it is provided therein that the same shall be confirmed by this Legislature; and whereas it is expedient that the said by-law should be confirmed;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 153  
confirmed.

1. The by-law of the municipal corporation of the Town of Niagara Falls, set forth in schedule A, hereto annexed, passed on the sixth day of January, one thousand eight hundred and eighty-five, as number one hundred and fifty-eight, is hereby legalized, confirmed and declared to be legal, valid and binding notwithstanding anything in any Act contained to the contrary thereof: and such by-law shall have the same force and effect as if incorporated in this Act.

Power to  
commutetaxes  
of Canada,  
Southern and  
other railways.

2. The corporation of the Town of Niagara Falls may, from time to time hereafter, make with the said companies mentioned in the said by-law agreements or arrangements in renewal of, or similar to the one in the said by-law mentioned, and for such periods and for such annual commutation as the council of the said corporation may decide upon, and may pass by-laws for that purpose; provided that no such by-law shall

Proviso.

be

be valid or operative for a period longer than twenty years from the date of the final passing of such by-law.

3. It shall be lawful for the corporation of any municipality through any part of which any line or branch of the Canada Southern Railway has been constructed to exempt the said Company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient. Exemption  
from taxation.

#### SCHEDULE A.

##### *By-Law No. 158.*

By-law regarding the commutation of the taxes of the Niagara River Bridge Company, the Canada Southern Railway Company, and other railway companies.

Whereas certain differences have arisen between the corporation of the Town of Niagara Falls, on the one side, and on the other side the Niagara River Bridge Company, the Canada Southern Railway Company, the Erie and Niagara Railway Company, and the Michigan Central Railroad Company, in reference to the assessment and taxation by the corporation of Niagara Falls of the properties belonging to the said companies within the municipality of Niagara Falls;

And whereas such differences have arisen both as regard to the legal right of the said corporation to tax portions of the said property, and also as to the amount for which the same should be taxed;

And whereas for the purpose of settling such differences it has been agreed between the said corporation and the companies that the taxes payable, or to be payable by all the said companies for the year one thousand eight hundred and eighty-four and the four following years shall be fixed at the sum of two thousand five hundred dollars per annum, and that at the expiration of that time, in default of any fresh agreement in reference thereto, the said companies and the corporation shall have and be in the same legal status as they now are without their legal rights being affected by the said agreement or this By-law;

And whereas the corporation have agreed to petition the Legislature for an Act to legalize this By-law in case that may be necessary;

And whereas by an Act of the Legislature of Ontario, 33 Victoria, chapter 32, it is lawful for the corporation of any municipality

municipality to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment or in lieu of all municipal rates or assessments, and for such term of years as such corporation may deem expedient;

Be it therefore enacted that the annual sum of two thousand five hundred dollars be accepted by the corporation of the Town of Niagara Falls for each of the years 1884, 1885, 1886, 1887, and 1888, by way of commutation and in lieu of all and every municipal rate or rates, or assessment, and of all school, county, local improvement or other rates or assessments that have been or can be imposed by the municipal corporation of the Town of Niagara Falls during each and every of the years aforesaid, upon or in respect of the real estate, property and effects, whether at present in possession or hereafter to be acquired, of the said the Niagara River Bridge Company, the Canada Southern Railway Company, the Erie and Niagara Railway Company and the Michigan Central Railroad Company :

And further, that the Mayor and Clerk of this corporation be authorized to execute a petition under the seal of this corporation to the Legislature of the Province of Ontario, asking that this By-law may be legalized.

And be it further enacted that if the said companies shall fail or refuse to pay the said sum of two thousand five hundred dollars in each of the said years the officers of this corporation are authorized to assess and collect taxes upon the properties of the said companies in the ordinary way as if no commutation had been made.

Read a third time and passed in council this sixth day of January, A. D. 1885.

(Signed)

J. ROBINSON, (Corporate Seal)  
*Town Clerk.*

(Signed)

JOHN WAUGH,  
*Mayor.*

## CHAPTER 66.

An Act respecting a certain By-law and certain Debentures of the Municipal Corporation of Owen Sound.

[Assented to 30th March, 1885.]

Preamble:

WHEREAS the Corporation of the Town of Owen Sound, on the twenty-eighth day of June, A. D. one thousand eight hundred and eighty, passed a By-law number two hundred and eighty-four, for assisting the Toronto, Grey and Bruce Railway Company, by granting a bonus of fifteen thousand dollars to the said company, which By-law was duly sanctioned

tioned by the electors of the said municipality; and whereas it was therein provided amongst other things that the debentures to be issued under the authority of the said By-law should not be handed over to the said company until a grain elevator should be erected in the said town, the same to be completed on or before the first day of October, A.D. one thousand eight hundred and eighty-one; and whereas, under the authority of an Act passed in the forty-third year of the reign of Her Majesty Queen Victoria, chapter sixty-six, the Corporation of Owen Sound by a By-law passed on the fifth day of September, A. D. one thousand eight hundred and eighty-one, number three hundred, extended the time for the completion of the said elevator to the first day of July, A. D. one thousand eight hundred and eighty-two, and the said corporation subsequently by By-law passed on the twenty-first day of August, A. D. one thousand eight hundred and eighty-two, number three hundred and sixteen, again extended the time for the completion of the said elevator to the first day of May, A. D. one thousand eight hundred and eighty-three, and the said corporation subsequently by a By-law passed on the seven-teenth day of December, A. D. one thousand eight hundred and eighty-three, number three hundred and forty-eight, again extended the time for the completion of the said elevator to the first day of July, A. D. one thousand eight hundred and eighty-four; and whereas the said elevator was, prior to the date last mentioned, duly completed, and the said debentures have been handed over to the said Railway Company, but doubts have arisen as to whether the said Corporation of Owen Sound had power under the said Act to pass said By-laws number three hundred and sixteen and number three hundred and forty-eight; and whereas the said Corporation have presented their petition praying that the said By-laws may be confirmed and the said debentures made valid, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The By-law passed by the Municipality of Owen Sound on the twenty-eighth day of June, A. D. one thousand eight hundred and eighty, and numbered two hundred and eighty-four, and the debentures issued thereunder by the said municipality, amounting at their par value to fifteen thousand dollars, are hereby ratified, validated and confirmed.

By-law 284,  
and debentures issued  
thereunder  
confirmed.



## CHAPTER 67.

## An Act to legalize a certain By-law of the Town of Paris.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the municipal council of the corporation of the Town of Paris, in the County of Brant, did on the eighteenth day of August, in the year of our Lord one thousand eight hundred and eighty-four, pass a by-law after the same was duly approved by the ratepayers of the said town, intituled "A By-law to raise by way of loan the sum of eight thousand dollars to provide for the sum necessary to complete the water works and to lay service pipes," and which said by-law is numbered two hundred and twenty-nine, and no application or suit has been made or entered to quash the same, but doubts exist as to its legality; and whereas the municipal council of the corporation of the Town of Paris have petitioned that for the purpose of removing all doubts as to the validity of the said by-law, an Act may be passed to confirm and legalize the said by-law numbered two hundred and twenty-nine of the said Town of Paris; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.  
229 of the  
Town of Paris  
confirmed.

1. The said by-law of the municipal council of the Town of Paris, numbered two hundred and twenty-nine and intituled "A by-law to raise by way of loan the sum of eight thousand dollars to provide for the sum necessary to complete the water works and to lay service pipes," is hereby confirmed and declared to be legal and valid to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said Town of Paris, and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

## CHAPTER 68.

## An Act respecting the Village of Parkdale.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS by an Act of the Legislature of the Province of Ontario, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, and intituled *An Act respecting Water and Gas Works at Parkdale*, authority is given to the municipal council of the said village to issue debentures

debentures for the purposes therein mentioned to an amount not exceeding one hundred thousand dollars; and whereas by-law number seventy-nine of the said village, authorizing the issue of debentures for the said purposes to the amount of thirty thousand dollars, was duly submitted to and received the assent of the electors of the said village, and debentures in pursuance of the said by-law to the amount of the said sum of thirty thousand dollars have been issued thereunder; and whereas by-law number one hundred and nine of the said village authorizing the issue of debentures for the said purposes to the amount of fifty thousand dollars (in addition to the said debentures issued under by-law number seventy-nine aforesaid) was duly submitted to and received the assent of the electors of the said village, and debentures in pursuance thereof to the amount of twenty-seven thousand dollars have been issued thereunder; and whereas by an Act of the Legislature of the Province of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-six, and intituled *An Act to empower the Municipality of the Village of Parkdale to make Special Assessments and for other purposes*, the said last-named debentures to the amount of twenty-seven thousand dollars were declared to be valid and binding upon the said municipality; and whereas by-law one hundred and ninety-one of the said village, authorizing the further issue of debentures for the said purpose to the amount of fifteen thousand dollars, was passed by the council of the said village without the assent of the electors on the assumption that under by-law one hundred and nine aforesaid, which had been duly assented to by the electors, and which provided for the issue of debentures to the amount of fifty thousand dollars, and under which only twenty-seven thousand dollars of debentures had been issued as aforesaid, the said council had authority to do so; and whereas doubts have been raised as to the validity of said by-laws and of the said fifteen thousand dollars of debentures last issued as aforesaid, and as to the power of the said council to pass any by-law or by-laws for the issue of debentures for the said purposes without the assent of the electors, although the said electors have assented to the issue of eighty thousand dollars of debentures in all as aforesaid for the said purposes and only seventy-two thousand dollars of debentures in all have been issued as aforesaid; and whereas doubts have also been raised as to the power of the said council, even with such assent, to pass such a by-law or by-laws for the issue of debentures beyond the said sum of fifty thousand dollars; and whereas it is expedient to remove such doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. By-laws numbers seventy-nine, one hundred and nine and one hundred and ninety-one of the said village, and the debentures

Certain by-laws and debentures legalized.

debentures heretofore issued thereunder, including the said issue under by-law one hundred and ninety-one, of the said fifteen thousand dollars of debentures, are hereby declared to be valid and binding upon the municipal corporation of the Village of Parkdale to all intents and for all purposes whatsoever.

Power to  
issue debentures for  
\$8,000.

2. At any one time, or from time to time, as the council of the said corporation may deem expedient, the said council may pass a by-law or by-laws, without procuring or obtaining the assent of the electors thereto, for the issue of further debentures for the purposes mentioned in the Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, to an amount not exceeding the sum of eight thousand dollars, being the difference between eighty thousand dollars, the total amount to which the electors have heretofore assented, as aforesaid, and seventy-two thousand dollars, the total amount of debentures issued as aforesaid for the said purposes.

By-laws  
authorizing  
further issue  
of debentures  
for \$20,000.

3. After the said eight thousand dollars of debentures shall have been issued the said council may, either at any one time or from time to time, with the assent of the electors in the manner provided by the said Act passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, pass a by-law or by-laws for the issue of debentures for the purposes mentioned in the said Act, so that the whole amount of the debentures to be authorized by the said by-law or by-laws shall not exceed the sum of twenty thousand dollars, or with the debentures to the issue of which the said electors have heretofore assented as aforesaid, the sum of one hundred thousand dollars.

Issue of  
debentures  
authorized by  
preceding  
section.

4. Should the said council submit to the electors and should the electors assent to a by-law for the issue of the whole of the said twenty thousand dollars of debentures, then the said council may either at one time or from time to time, as they may deem expedient, without any fresh by-law or by-laws, issue the debentures thereunder, having regard to the provisions of the said Act, passed in the forty-fourth year of Her Majesty's reign, and chaptered forty-four, as to the respective dates of the maturity of the said debentures and otherwise.

Provision as  
to cost of  
works con-  
structed as  
local improve-  
ments.

5. (1) And whereas the corporation of the Village of Parkdale have by petition set forth that certain by-laws of the said village have been passed for the construction of works as local improvements, and the actual cost of such improvements has exceeded the estimated cost thereof, and certain other works have been constructed by said village as local improvements, and by the Act of the Legislature of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-



six, the said municipality has been authorized to pass by-laws to provide for the cost of such works; and whereas the cost thereof has exceeded the amounts provided for in said Act, and the said corporation are desirous of being authorized to pass by-laws to provide funds for the said excess in the cost of such improvements, and also to have any doubts removed as to the mode of raising the moneys provided for in the said Act for the improvements therein mentioned, and it is deemed expedient to grant the prayer of such petition;

It is therefore enacted as follows:—

In all cases in which by-laws of the said village for the construction of works as local improvements shall have been passed, and in which the estimated cost of such works shall have been exceeded by the actual cost thereof (which said by-laws and the amounts still required to pay for the works authorized thereby are set out in the first part of the schedule to this Act) and in the case of all works embraced in schedule "A" to the Act of the Legislature of Ontario, passed in the forty-seventh year of Her Majesty's reign, and chaptered 56, in respect of which the actual cost thereof shall have exceeded the sums mentioned in said schedule "A" (which said works and the amounts still required to pay for the same are set out in the second part of the schedule to this Act) the municipal council of the said village is hereby empowered to pass a further by-law or by-laws authorizing the issue of supplemental debentures for the amount by which the actual cost of such works has exceeded the estimated or scheduled cost thereof as aforesaid, together with interest on such excess, and authorizing a supplemental assessment or assessments to be made for paying the said supplemental debentures upon the respective properties upon which the former assessments for the same purposes were respectively levied or authorized so to be upon the respective owners thereof.

(2) Section one of the said Act, passed in the forty-seventh year of Her Majesty's reign, and chaptered fifty-six, is hereby amended by inserting between the words "the" and "works" in the second line thereof the word "local," and by inserting between the words "made" and "and" in the fifth line thereof the words "upon the property liable therefor under the local improvement clauses of *The Municipal Act*."

(3) Section five of the said Act is hereby amended by inserting between the words "corporation" and "notwithstanding" in the ninth line thereof the words "and upon the property liable therefor under the local improvement clauses of *The Municipal Act*."

6. And whereas the said corporation have by their petition also set forth that they have, with the assent of the electors, Power to issue debentures for \$5,000 for cost of subway.



of the said municipality, issued debentures to the amount of ten thousand dollars and have paid the moneys realized from the sale of the said debentures on account of the cost of construction of a subway on Queen street between Parkdale and the City of Toronto, pursuant to the terms of an agreement entered into between the said municipality and the Grand Trunk Railway Company and other railway companies, that the said subway is now built and has cost more than the original estimate, and it will be necessary for the said corporation to issue debentures to the amount of five thousand dollars in addition to the said sum of ten thousand dollars to pay in full the moneys payable by them for the said work under the said agreement, and they are desirous of being authorized to pass a by-law to provide funds to pay for the said work and to issue debentures to the extent of the said additional sum of five thousand dollars therefor, and it is deemed expedient to grant the prayer of the said petition;

It is therefore further-enacted as follows:—

(1) The corporation of the Village of Parkdale are hereby authorized and empowered from time to time or at any one time to pass a by-law or by-laws for the issue of debentures not exceeding in amount the sum of five thousand dollars, for the purpose of obtaining the sum, in addition to the said sum of ten thousand dollars which the said corporation require to raise on account of the expense of the said subway, the said debentures to be payable at the expiration of twenty years from the date thereof, and to bear interest at the rate of six per centum per annum payable half yearly.

(2) The said by-law or by-laws shall settle a certain specific sum to be raised annually for the payment of the interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt, such sum to be such as will be sufficient, with the estimated interest on the investment thereof to discharge the debt when payable.

(3) In settling the sum to be raised annually for the payment of the debt the rate of interest on the investment shall not be estimated at more than five per centum per annum to be capitalized yearly.

(4) The by-laws shall provide that such annual sum shall be raised and levied in each year by a rate sufficient therefor on all the ratable property in the municipality.

## SCHEDULE.

NO. BY-LAW.	WORK.	ESTIMATED OR SCHEDULED COST	ACTUAL COST INCLUDING INTEREST.	SUPPLEMENTAL DEBENTURES.
FIRST PART.				
25	Jamieson Avenue, S. ....	368 00	405 21	37 21
39 and 77	Dowling Avenue ....	1130 00	1208 26	78 26
54	Duncan, Ruth and Fuller. ....	1500 00	1545 25	45 25
58	Dunn Ave. Railway Crossing..	240 22	448 65	208 48
63	Tyndall Avenue ....	300 00	378 78	78 78
83	Marian St. extension ....	800 00	1180 46	380 46
112	Queen and Dufferin ....	1085 45	1231 40	145 95
135	Callendar Street ....	2366 00	2733 61	367 61
164	Leopold Street ....	252 43	257 43	5 00
SECOND PART.				
.....	Union Street ....	355 08	357 25	2 17
.....	Abbs Street ....	38 00	43 02	5 02
.....	Dowling Avenue Crib ....	660 00	729 97	69 97

## CHAPTER 69.

An Act to consolidate the Floating Debt of the City  
of St. Thomas.

[Assented to 30th March, 1885.]

WHEREAS the Corporation of the City of St. Thomas, by Preamble.  
their petition have represented that they have incurred  
debts and liabilities for the extension of Water-works and other  
permanent improvements to an amount of thirty thousand dol-  
lars, or thereabouts, which have not been secured by deben-  
tures, and have prayed that the said debt may be consolidated,  
and that they may be authorized to issue debentures for that  
purpose ; and whereas it is expedient to grant the prayer of  
the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1.

Issue of  
debentures for  
\$30,000  
authorized.

1. The Corporation of the City of St. Thomas may pass a by-law authorizing the issue of debentures under the corporate seal, signed by the Mayor, and countersigned by the treasurer, for such sums not exceeding thirty thousand dollars in the whole, as the Council of the said City may direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, as the said Council shall deem expedient, and may be either in currency or sterling money.

Power to bor-  
row on deben-  
tures.

2. The said corporation may raise, by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding thirty thousand dollars of lawful money of Canada.

Application of  
funds.

3. The funds derived from the negotiation of the said debentures shall be applied by the said Council to the payment of the said outstanding floating liabilities, and to and for no other purpose whatever.

Special rate  
for payment  
of debentures.

4. For payment of the debentures to be issued under this Act, the Municipal Council shall impose a special rate per annum (over and above, and in addition to all other rates, to be levied in each year), which shall be sufficient to pay the interest on the said debentures, and to form a sinking fund of four per centum per annum for the purpose of paying the principal thereof.

Investment of  
sinking fund.

5. The said Council shall, and it shall be the duty of the treasurer to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in Government securities, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, but not to any greater extent than one-half of the assessed value of such real estate, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada, that the Council may from time to time approve.

Payment of  
debentures  
and interest.

6. The debentures to be issued as aforesaid, shall be payable in not more than twenty years from the date thereof, as the said Council may direct, and the interest thereon at such rate, not exceeding six per centum per annum, as the said Council shall determine, shall be payable half-yearly according to the coupons attached thereto.

7. No irregularity in the form of the said debentures, or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Irregularities  
not to render  
debentures  
invalid.

8. It shall not be necessary to obtain the assent of the electors of the said City to the passing of the said By-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Assent of  
electors not  
required.

9. The said debentures may be in the form "A" in the schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where, and the money in which the same are made payable.

Form of  
debentures.

## SCHEDULE

### FORM "A."

#### *Consolidated Loan Debenture.*

No.	£.	Stg.,
Province of Ontario, City of St. Thomas.		

Under and by virtue of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the Corporation of the City of St. Thomas, passed under the powers contained in the said Act.

The Corporation of the City of St. Thomas promise to pay the bearer at in the sum of on the day of , A.D. , and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at St. Thomas, in the County of Elgin, this day of A.D., 188

L. S.

A. B.,  
C. D.,  
Mayor.  
Treasurer.



## CHAPTER 70.

## An Act respecting the Town of Sarnia.

[Assented to 30th March, 1885.]

Preamble.

**W**HEREAS the corporation of the Town of Sarnia by their petition, have represented that they have incurred debts to the amount of twelve thousand five hundred dollars, and have prayed that they may be authorized to issue debentures for payment of such debts; and whereas the said corporation have further represented that the assessment for the construction of a block pavement on that portion of Front street in the Town of Sarnia, between the south side of Francis street and the north side of Nelson street, and the assessment for the construction of a sewer on that portion of Christina street, between the south limit of George street and the north limit of Cromwell street, are as compared with the assessment for the remainder of such works unequal and unjust, and have prayed that they may be authorized to equalize such assessment as hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Issue of debentures for \$12,500 authorized.

**1.** The corporation of the Town of Sarnia may pass a by-law authorizing the issue of debentures for payment of the said debts mentioned in the preamble to this Act, and may thereafter in accordance with the said by-law issue debentures under the corporate seal signed by the mayor and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding twelve thousand five hundred dollars in the whole, as the municipal council of the said town may direct; and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at any place in this Province as the municipal council may deem expedient.

Power to borrow on credit of debentures.

**2.** The said corporation may raise by way of loan upon the credit of the said debentures, from any person or persons, body or bodies corporate, in the Province of Ontario or elsewhere, who may be willing to lend the same, a sum not exceeding twelve thousand five hundred dollars of lawful money of Canada.

Application of funds under this Act.

**3.** The treasurer of the said corporation shall discharge the liabilities provided for by this Act with the funds raised under this Act, and such funds shall be applied to the payment of such floating debt and to and for no other purpose whatever.

**4.**

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year) sufficient to pay the interest on said debentures and the principal thereof. Special rate to be levied.

5. The principal sum to be secured by the debentures to be issued under this Act, shall be payable in equal annual payments from the date thereof, and the interest, at such rate not exceeding six per cent. per annum as the said council shall determine, shall be payable yearly or half yearly according to the coupons attached thereto, and the debentures issued under such by-law shall be made payable in each year for not more than twenty years from the time at which such by-law authorizing the issue of the same shall be passed, and so that the sums to be levied under the said by-law for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. Debentures how payable.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of twelve thousand five hundred dollars and not otherwise, and shall, for that purpose, from time to time be deposited as the same shall be received and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada in the said town of Sarnia, and all such deposits shall be made in the name of the said corporation as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank shall agree upon, and shall be withdrawn therefrom only as the same may be required, from time to time, for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise. Application of funds.

7. No irregularity in the form either of the said debentures or the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof. Irregularities not to invalidate debentures.

8. The said corporation may pass a by-law authorizing the refunding from year to year out of the funds of the Town of Sarnia to each person owning lands fronting on the works upon that portion of Front street hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in the opinion of the council the amount payable by such persons equal as compared with the assessment for the remainder of such works. Refund in respect of local improvements on Front Street authorized.

9. The said corporation may also pass a by-law authorizing Refund in respect of local

improvements  
on Christina  
Street  
authorized.

ing the refunding from year to year out of the funds of the town of Sarnia to each person owning lands fronting on the works upon that portion of Christina street hereinbefore in the preamble to this Act referred to, of a sum sufficient to make in the opinion of the council, the amount payable by such persons equal, as compared with the assessment for the remainder of such works.

Provisions  
respecting  
assent of  
electors.

10. It shall not be necessary to obtain the assent of the electors of the said Town to the passing of the by-law authorizing the issue of said debentures, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, but the assent of the said electors to the by-laws authorized by the eighth and ninth sections of this Act shall be obtained before the said by-laws shall have any validity or force.

## CHAPTER 71.

### An Act respecting a certain Crown Grant to the School Trustees of Shuniah.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the Crown did by grant dated the twenty-first day of June, A. D. one thousand eight hundred and seventy-five, grant and convey the easterly two acres of that certain parcel of land in the town plot of Prince Arthur's Landing, now the Town of Port Arthur, in the District of Thunder Bay and Province of Ontario, known as Waverley Park, as shewn on the plan of survey of the said town plot, on record in the Department of Crown Lands for the Province of Ontario, to the Trustees of School Section number one of the Municipality of Shuniah; and whereas a certain tract of land has been taken from the Municipality of Shuniah and incorporated as the Town of Port Arthur; and whereas the Town of Port Arthur embraces the whole population and almost all of School Section Number One of the Municipality of Shuniah; and whereas the Municipality of Shuniah have no further use for the said lands for school purposes; and whereas it is expedient that the said grant to the School Trustees of the Municipality of Shuniah should be confirmed, and that the lands hereinafter described should be vested in the Public School Trustees of the Town of Port Arthur;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—



1. The Crown grant to the Trustees of School Section Number One of the Municipality of Shuniah, in the District of Thunder Bay, of that certain parcel or tract of land situate in the town plot of Prince Arthur's Landing, in the District of Thunder Bay, in the Province of Ontario, containing by admeasurement two acres, be the same more or less, and being composed of the east two acres of Waverley Park, in the said town plot of Prince Arthur's Landing, which are abutted and bounded as follows: commencing where a post has been planted at the intersection of the westerly limit of Algoma street, by the northerly limit of Waverley street, at the south-easterly angle of Waverley Park; thence north thirty-four degrees, twenty-four minutes east along the westerly limit of Algoma street two chains fifty links, more or less, to where a post has been planted in the southerly limit of Arthur street, at the north-easterly angle of the said park; thence north-westerly along the southerly limit of Arthur street five chains more or less, to the north-westerly angle of the east two acres of the said park; thence south thirty-four degrees twenty-four minutes west five chains twenty links, more or less, to the northerly limit of Waverley street aforesaid, at the south-westerly angle of the east two acres of the said park, and thence easterly following the said northerly limit of Waverley street to the place of beginning,—dated at Toronto the twenty-first day of June, A. D. one thousand eight hundred and seventy-five is hereby confirmed and made valid and effectual for all intents and purposes whatsoever, and the lands and premises above described are hereby vested in the Public School trustees of the Town of Port Arthur their successors and assigns, in fee simple, but subject to the reservations, limitations, provisions and conditions expressed in the said grant.¶

Lands vested in trustees of School Section No. 1 of Municipality of Shuniah.

2. The said Town of Port Arthur is hereby declared for school purposes to be separate from School Section Number One of the Municipality of Shuniah; and all acts, deeds and things done by the corporation of the Town of Port Arthur at the request of the persons acting as the school board thereof, or done by those persons as such Board or as members thereof since the incorporation of the said Town of Port Arthur, are hereby declared to be as valid and binding, notwithstanding any defect in, or non-observance of formal steps altering the boundaries of said section or separating the Town of Port Arthur from said section after its incorporation, as if the Town of Port Arthur had been theretofore erected into a school section according to law, and the individuals acting as the School Board of the Town of Port Arthur are hereby declared to be the Public School Board for the said town and to have all the rights, powers, and privileges conferred on Public School Boards of Towns by any Act or Acts of the Legislature.

Port Arthur to be for school purposes separate from School Section No. 1 of Shuniah. Confirmation of acts relating to school matters.



## CHAPTER 72.

## An Act to Incorporate the City of Stratford, and for other purposes.

*[Assented to 30th March, 1885.]*

Preamble.

WHEREAS the corporation of the Town of Stratford have, by their petition, represented that the said town contains a population of ten thousand souls, and that the said population is rapidly increasing, and that the said town, by reason of its increased and extensive railway facilities, its large manufacturing and mercantile interests, and its situation in the midst of a rich agricultural district, is now and will continue to be an important commercial centre ; and whereas the said corporation, by their petition, have prayed that the said town may be erected into a city, to be called "The City of Stratford ;" and whereas the said corporation have, by their said petition, further represented that they have incurred debts and liabilities, secured by the debentures of the corporation, amounting to the sum of two hundred thousand dollars exclusive of the indebtedness of the said town for public and separate school debentures; and whereas it has become necessary for the said corporation to erect a bridge on Huron-street in the said town over the river Avon, which said bridge will cost not less than fifteen thousand dollars, for which debentures of the corporation will have to be issued; and whereas a large portion of the said debenture debt of two hundred thousand dollars will shortly become due and payable and the said corporation has, by its petition, further prayed that the said debt may be consolidated and that the said sum of fifteen thousand dollars, for the purpose of building the said bridge, may be added thereto and incorporated therewith, and that they may be authorised to issue debentures for that purpose; and whereas the said corporation have further petitioned for power to commute the taxes to be paid by the Grand Trunk Railway Company to the said city in this Act mentioned; and, whereas the Grand Trunk Railway Company of Canada has assented to the provisions of this Act affecting the same; and whereas the said corporation has further petitioned for power to purchase certain lands from the Roman Catholic Episcopal corporation of the Diocese of London, and to hold the same as part and parcel of the Avondale Cemetery, but subject to the condition as to interments in this Act contained; and whereas it is expedient to grant the prayers of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Town of  
Stratford  
incorporated  
as a city.

1. On and after the passing of this Act the said Town of Stratford shall be and is hereby incorporated as a city and shall

shall be known hereafter as the corporation of the City of Stratford, and as such shall enjoy and possess all the rights, powers and privileges which could have been exercised and enjoyed by the said City of Stratford if the same had been incorporated as a city under the provisions of *The Consolidated Municipal Act, 1883*.

2. The provisions of *The Consolidated Municipal Act, 1883*, relating to matters consequent upon the formation of new municipal corporations, and the other provisions of *The Consolidated Municipal Act, 1883*, aforesaid, shall, except so far as herein otherwise provided, apply to the said corporation of the City of Stratford in the same manner as if the town had been erected into a city under the provisions of the said Act.

Certain provisions of the Consolidated Municipal Act, 1883, to apply.

3. The property and assets of the said Town of Stratford shall belong to the City of Stratford, and all the debts, liabilities, and obligations of the said Town of Stratford shall be assumed and paid by the corporation of the said City of Stratford, and the officers and servants of the said Town of Stratford shall, until superseded in or removed from office by the council of the said city, remain the officers and servants of the said City of Stratford

Property of the town to belong to city.

4. The City of Stratford shall be divided as the Town of Stratford has heretofore been into five wards to be named respectively Avon Ward, Falstaff Ward, Hamlet Ward, Romeo Ward and Shakespeare Ward, and the boundaries or limits of the said wards respectively shall be and remain as they existed prior to the passing of this Act.

City to be divided into five wards.

5. The council of the said city shall consist of a mayor, who shall be the head thereof, and three aldermen for each ward.

Council of city.

6. The present mayor and council of the said town, including the reeve and deputy reeves thereof, shall be and continue to be the mayor and council of the said city, and shall hold office until the election of a new mayor and council as provided by this Act, and shall exercise all the rights and powers and perform all the duties pertaining to the offices of mayor and aldermen respectively of a city, and, in the event of the death, resignation or disqualification of said mayor or any member of said council, a new election shall be held to fill the vacancy under the provisions of *The Consolidated Municipal Act, 1883*.

Mayor and Council of town to remain in office.

7. At any election in the said city held prior to the first day of February next after the passage of this Act the qualification of the electors shall be the same respectively as required in towns, and at all subsequent elections the qualifications of the electors, mayor and aldermen shall be the same as that required in cities.

Qualification of electors, etc.

First election  
of Mayor.

8. Robert Rigg Lang, Esquire, of the said Town of Stratford, who is now the clerk thereof, or, in case of his death or inability to act, such other person as the council may, by by-law to be passed before the last Monday in the month of December next, appoint in his stead, is hereby appointed the returning officer for the purpose of holding the nomination for the first election of mayor, and it shall be lawful for and incumbent upon the returning officer to hold such nomination at the city hall in the City of Stratford, at the hour of ten o'clock in the forenoon of the said last Monday in the month of December.

Powers and  
duties of  
returning  
officer.

9. The said returning officer shall have all the powers and perform all the duties of clerk of the said city until the appointment, by the council thereof, of some other person in his place and stead.

Deputy-  
returning  
officer.

10. The council of the said city shall have power by by-law to be passed before the said last Monday in the month of December, to appoint a deputy returning officer for each of the several polling sub-divisions of the said city, each of whom shall have all the powers and perform all the duties of deputy-returning officer in municipal elections for cities, and also by by-law, to be passed within the time aforesaid, to name the places in each of the several wards at which the nomination of aldermen and election of mayor and aldermen shall be held in case a poll be required.

First election  
of aldermen.

11. The said nominations for aldermen shall be held on the said last Monday in the month of December at noon, and, if a poll be required, the same shall be opened on the same day of the following week, and the nominations and the election of mayor and aldermen shall, except in so far as is herein otherwise provided, be conducted and regulated in the same manner as such nominations and elections are conducted and regulated in municipal elections for cities.

Voters' List.

12. The last revised assessment roll and voters' list of the said town shall be taken to be the roll and voters' list for any future election, either to the municipal council or to the Legislative Assembly in the said city, until another assessment shall be made and the roll thereof shall be revised and the voters' list thereunder shall be duly made and completed.

Police.

13. Notwithstanding any statute to the contrary, the said city council shall have power to organize or continue a police force, and to regulate and control the same and the members thereof, and to fix the salary and allowances of said members; and in the said city the provisions of the said *The Consolidated Municipal Act, 1883*, respecting police commissioners, shall not apply or be of any effect unless and until adopted by by-law of the said city council; but this section shall not apply

or



or have any force or effect after it shall appear, from any general census or from any census which may be taken by the assessor or under a by-law of the municipality, that said city contains fifteen thousand inhabitants or more, and the police magistrate of the said City of Stratford shall not receive a salary exceeding twelve hundred dollars until it appears in the manner aforesaid that said city contains fifteen thousand inhabitants or more.

14. It shall be lawful for the said corporation of the City of Stratford to pass by-laws providing for the issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in such sums, not exceeding two hundred and fifteen thousand dollars in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Issue of debentures to an amount not exceeding \$215,000 authorized.

15. The corporation of the said city may, for the purpose hereinafter mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Money may be borrowed on debentures, or debentures may be sold.

16. The said debentures shall be payable in not less than twenty nor more than thirty years from the date thereof, as the said corporation may direct: coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding six per centum per annum.

Payment of debentures and interest.

17. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the Town of Stratford, and in the erection of a bridge on Huron street over the river Avon in the said corporation mentioned, and in no other manner and for no other purpose whatsoever.

Application of debentures and moneys arising therefrom.

18. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures.

Outstanding debentures may be called in with consent of present holders.



By-law not to be repealed until debt satisfied.

**19.** Any by-law to be passed under the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Special rate for sinking fund.

**20.** For payment of the principal of the said debentures to be issued under this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund of one per centum per annum for that purpose.

Application of money at credit of sinking fund.

**21.** The said corporation shall have power at any time to invest any moneys, standing at the credit of the sinking fund created under this Act, in the redemption of the said outstanding debentures of the said Town of Stratford, or in redemption of the debentures issued under the authority of this Act, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, but so that the said sinking fund and the investments thereof shall always be held and preserved intact, and be and remain available for the redemption of the debentures issued under the authority of this Act, at the maturity thereof.

Special rate to be entered in a separate column, on collectors' roll.

**22.** The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of this Act shall, in each and every year during the continuance of said debentures, be inserted in a separate and distinct column on the collector's roll of said city, and shall not be included with any other rate or rates.

Forms.

**23.** The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws for the special rate for payment of the interest, and to form a distinct fund for the payment of the said debentures, may be in the form of schedule B to this Act.

Irregularities in forms not to invalidate debentures.

**24.** No irregularity in the form, either of the said debentures or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof.

Assent of electors to any by-law under ss. 14-25 not required.

**25.** It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under sections 14 to 25 inclusive of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

**26.** Nothing in this Act contained shall be held or taken to discharge the corporation of the City of Stratford from any indebtedness or liability which may not be included in the said debt of two hundred and fifteen thousand dollars.

Liability of corporation not discharged.

**27.** Notwithstanding anything in this Act contained, all of the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said City of Stratford are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

Proviso as to outstanding public school debentures.

**28.** The said Corporation shall have power to enter into an agreement with the Grand Trunk Railway Company of Canada providing that the taxes to be paid by the said Railway Company to the said city for and in respect of all its real property within the said city actually used for railway purposes or in the business of the company, and for and in respect of park lot number four hundred and fifty-four of the Canada Company's survey of the Town of Stratford, and for and in respect of all its personal property within the said city actually used for said railway company's purposes, shall be commuted by the said city for the term of ten years at the sum of two thousand six hundred dollars per annum, and that the first of the said yearly sums of two thousand six hundred dollars shall be paid and collected at the time of collection of the ordinary municipal taxes in the year one thousand eight hundred and eighty-five, and that all the rights and remedies of the said corporation for the collection of taxes as enjoyed by it under and by virtue of any Act or Acts now or then to be in force shall apply to the collection of the said yearly sum of two thousand six hundred dollars; providing however that nothing therein contained shall be taken as exempting any of the property of the said the Grand Trunk Railway Company of Canada within the said corporation from liability for local or frontage rates, taxes or assessments; and providing also that in case the said the Grand Trunk Railway Company of Canada shall at any time after the passing of this Act sell, lease, or dispose of any part of its said property within the said corporation, or cease to use the same for railway purposes, that is for the purpose of the company's business, the part or parts so sold or leased or which may not continue to be used for said railway company's purposes, shall be liable to the same rates, taxes and assessments as other property within the said city: but providing further, nevertheless, that the above provision, so far as it applies to the ceasing by the said company to use the same for said railway company's purposes, shall not apply to said park lot number four hundred and fifty-four or any part thereof, and that the above exemption,

Commutation of taxes to be paid by Railway to the corporation.

and

and commutation shall include not only the lands which the said company now holds but also all the property which they may during the said ten years acquire and use for the purposes of the said company within the limits of the corporation of the said City of Stratford.

Power to  
acquire  
certain lands  
from the  
Roman  
Catholic  
Episcopal  
Corporation  
of the  
Diocese of  
London on  
certain  
conditions  
as to  
inter

29. It shall and may be lawful for the corporation of the City of Stratford to purchase the following lands and premises, that is to say, all and singular that certain parcel or tract of land and premises situate, lying and being in the Town of Stratford, in the County of Perth, and Province of Ontario, and being composed of block letter "A" in Forman's survey of lot number four in the first concession of the township of Downie, now in the said Town of Stratford, according to a registered plan, and containing, by admeasurement, fifteen acres of land, be the same more or less, from the Roman Catholic Episcopal corporation of the Diocese of London, which is now the owner thereof in fee simple, at and for the price or sum of one thousand one hundred dollars, and to hold the same as part of the Avondale cemetery, having the control and management thereof and the right to receive all proceeds of sales of plots and burial fees, but upon the following condition, to be attached to the sale and purchase thereof, namely, that there shall be no interments in those parts or plots of the said land so purchased, named in the registered plan thereof St. Mary, St. Peter, St. Paul, St. Leo, St. Edmund, St. Luke, St. Andrew, St. John, St. Henry, St. George and St. Patrick, of members of any other denomination other than of the Roman Catholic church and then only with the consent of the then parish priest of the said church of the parish of Stratford or, in case of appeal from him, with the consent of the Roman Catholic bishop of the diocese, whose decision shall be final.

#### SCHEDULE A.

(Section 23.)

#### PROVINCE OF ONTARIO, CITY OF STRATFORD DEBENTURE.

Under and by virtue of an Act to incorporate the City of Stratford, passed in the forty-eighth year of Her Majesty's reign and chaptered \_\_\_\_\_, the corporation of the City of Stratford promise to pay the bearer at \_\_\_\_\_ the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred \_\_\_\_\_ and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Stratford, Ontario, this \_\_\_\_\_

day of \_\_\_\_\_

A. D. 18 \_\_\_\_\_

SCHEDULE



## SCHEDULE B.

*(Section 23.)*

By-law number \_\_\_\_\_ to authorize the  
 issue of \_\_\_\_\_ debentures under  
 the authority of an Act to incorporate the City of Stratford,  
 passed in the forty-eighth year of Her Majesty's reign and  
 chaptered \_\_\_\_\_, and to impose a special rate for the payment  
 of the said debentures.

Whereas the said Act authorizes the issue of debentures for  
 the purpose therein mentioned, not exceeding the sum of two  
 hundred and fifteen thousand dollars in the whole, as the  
 corporation of the City of Stratford may direct.

And whereas for the purposes mentioned in the said Act  
 it is necessary and expedient to issue debentures to the  
 extent of \_\_\_\_\_ dollars payable on the

\_\_\_\_\_ day of \_\_\_\_\_ with interest thereon at  
 the rate \_\_\_\_\_ per cent. per annum, payable half-yearly  
 according to the coupons to the said debentures attached.

And whereas the said Act requires for payment of the  
 debentures to be issued thereunder that the council shall  
 impose a special rate which shall be sufficient to form a  
 sinking fund of one per cent. over and above all interest,  
 to be paid on said debentures, and it will require the sum  
 of \_\_\_\_\_ to be raised annually for the said interest  
 and sinking fund.

And whereas the amount of the whole ratable property  
 of the City of Stratford, according to the last revised assess-  
 ment roll of the said city, being for the year one thousand  
 eight hundred and \_\_\_\_\_ was

Therefore the municipal corporation of the City of Strat-  
 ford hereby enacts as follows:

1. That debentures under the said Act, and for the pur-  
 pose therein mentioned, to the extent of the sum of \_\_\_\_\_  
 are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attach-  
 ed for the payment of the interest at the rate of \_\_\_\_\_  
 per cent. per annum, payable half-yearly  
 on the first days of January and July in each year.

That for the purpose of forming a sinking fund of one  
 per cent. for the payment of the said debentures, and the  
 interest at the rate aforesaid to become due thereon, the  
 sum of \_\_\_\_\_ shall,  
 over and above and in addition to all other sums or rates,  
 be raised, levied and collected in each year upon all the  
 ratable property in the said City of Stratford during the  
 continuance of the debentures or any of them.

This by-law passed in open council this \_\_\_\_\_  
 day of \_\_\_\_\_ in the year of our Lord one  
 thousand eight hundred and \_\_\_\_\_



## CHAPTER 73.

## An Act Respecting the City of Toronto.

[Assented to 30th March, 1885.]

## Preamble.

WHEREAS the Corporation of the City of Toronto have by their petition prayed for special legislation, relating to the several matters and things hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement between Corporation of City of Toronto and County of York confirmed.

1. The agreement bearing date the twenty-sixth day of June, one thousand eight hundred and eighty-four, made between the Corporation of the City of Toronto and the Corporation of the County of York, providing for the erection and maintenance of a Court House, and other matters therein referred to and a copy of which is set forth in the Schedule A to this Act, is hereby declared to be and shall be held to be a valid and binding agreement between the said corporations; and it is hereby further enacted that the councils of the said municipalities shall have full power and authority, and they are and each of them is hereby authorized and empowered to pass any by-law or by-laws which may at any time, and from time to time, be necessary for the purpose of carrying into effect the said above in part recited agreement.

46 V. c. 43, s. 3, repealed in part.

2. The proviso to section 3 of the Act passed by the said Legislature in the forty-sixth year of the reign of Her Majesty, chaptered 43, entitled *An Act Respecting the City of Toronto*, is hereby repealed.

By-laws changing names of streets confirmed.

3. All by-laws heretofore passed by the Council of the City of Toronto, changing the names of streets, are hereby declared valid.

By-laws for borrowing money confirmed.

4. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money on the general credit of the city, to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessments on the Toronto Street Railway Company, to provide for the payment of the cost of their share of such local improvements, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such works, are hereby declared valid and effectual.

## SCHEDULE A.

ARTICLES OF AGREEMENT made this twenty-sixth day of June, A.D. 1884, between the Corporation of the City of Toronto, (hereinafter called the city of the First Part), and the Corporation of the County of York (hereinafter called the County of the Second Part); Whereas it is expedient and necessary that a new Court House for the said county and city should forthwith be built with proper rooms, offices and accommodation therein and convenient for the transaction of the business of the Court and other public business in connection with the administration of justice;

And whereas the city has proposed to the county that the county should not erect such Court House, but in lieu thereof that the city should proceed to erect said Court House upon the terms hereinafter mentioned.

Now this agreement witnesseth that in consideration of the premises, and in pursuance of the said proposal and agreement, the said the city doth hereby agree to and with the said the county that the city shall and will forthwith proceed with the selection of a suitable site at a convenient place in the said city for such Court House, and shall and will, upon such selection being made, forthwith proceed to erect, build and maintain a suitable Court House thereon, regard being had to the future growth and requirements of the said city and of the County of York, with proper rooms, offices and accommodation therein for the convenient transaction of the business of the Courts and other public business in connection with the administration of Justice now by law carried on and conducted in a Court House erected under the provisions of the law, but not for any separate use by the county as a county municipality, nor for any separate use by the city as a city municipality, so that the same shall be fully completed and ready for use and occupation by the said courts and by the officers thereof as soon as possible, and within three years and six months from the date of this agreement at the latest, and that the council of the said Corporation of the City of Toronto will forthwith pass by-laws for so carrying into effect the provisions of this agreement; and the city doth hereby agree to and with the county that the city shall and will maintain the said Court House and all offices and rooms, and shall and will keep the same in repair, together with the grounds connected therewith, whether the same forms a separate building or is connected with any other to be built, and shall and will appoint keepers thereof whose duties shall be to attend to the proper lighting, heating and cleaning of the said Court House, rooms and offices, and that the city shall and will from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice, and shall and will from time to time provide proper offices, together with fuel, light and furniture for all offices connected with such courts.

And

And the city doth further agree to and with the county that the cost of a site and of the erection of said Court House shall be borne solely by the said city, and the same shall be the property of the said city alone, and from and after the erection of the said Court House the city shall and will assume and undertake the statutory obligations respecting a Court House of the Judicial County of York for judicial purposes only, and the same shall and will be fully observed and discharged by the said city, so that the said county shall be relieved therefrom.

And the county doth hereby agree to and with the said city that from and after the erection and completion of the said Court House and offices ready for use and occupation by the said Courts and the officers connected therewith, the said county shall, as part of the Judicial County of York, bear and pay to the said city the just share and proportion of all charges and expenses from time to time, as the same may be incurred, of the proper lighting, cleaning and heating of the said Court House, and for providing all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice and the officers thereof, and of all other charges relating to the administration of justice which now are, or which at any time hereafter may be made by law payable by the county in the first instance, or which the county has heretofore borne, (except such constables' fees and such disbursements and charges connected with Coroners' inquests, and such other charges as the county is now entitled to be repaid by the Province,) and shall also pay to the said city such sum annually in respect of the use of the said Court House for county purposes, including the holding of courts, and the use of portions thereof by judicial officers of the Judicial County, as a part of such judicial county should justly be charged with, regard being had to the cost of the site and of erecting, building, repairing and maintaining the said Court House, as may be mutually agreed upon by the city and the county, or settled by arbitration under *The Consolidated Municipal Act, 1833*, in case they do not agree, provided always that in case the cost of the site and of the erection of the Court House aforesaid, with the offices aforesaid, shall have exceeded four hundred thousand dollars, yet in fixing such annual sum to be paid by the said county annually for the use of the said Court House, the cost of the site and of the erection of the buildings aforesaid shall not be taken at any larger amount than four hundred thousand dollars, but the amount to be paid annually by the county shall be the proportion justly payable by the county as part of the said Judicial County aforesaid, based upon the actual cost thereof, but not in any case exceeding the said sum of four hundred thousand dollars.

And the said city doth further agree to and with the county that from and after the completion of the said Court House all fees and other moneys now payable by the county under the provisions of *The Jurors' Act* and amendments thereto and under chapters 84, 85 and 87 of the Revised Statutes of Ontario, and all other fees and moneys now payable or to be advanced

out



out of county funds for or in connection with the administration of justice shall be thereafter paid or advanced by the city and by and out of city funds. And the county doth further agree to and with the said city that the county shall pay and refund to the said city the proportion of all such fees and moneys as by law is now payable by the county as their proportion thereof, and the city shall be entitled to all fees and moneys now payable to the said county or the treasurer thereof, under the provisions of the said Acts, and to all refunds or reimbursements now payable to the county in respect thereof, all of which shall thereafter be paid to the said city and the treasurer thereof, instead of to the said county or the treasurer thereof, it being the true meaning and intent of this agreement and of the parties thereto, that from and after the completion of the said Court House the said city shall in all things assume the existing obligations of the county to provide funds respecting the administration of justice, and that the county shall contribute to the city their proportion only of the fees and moneys payable respecting such obligations. Provided always, and it is hereby agreed by and between the parties hereto, that in case after the lapse of five years from such compensation having been settled by agreement or award as above provided, it appears reasonable to the Lieutenant-Governor in Council upon the application of either party that the amount of such compensation payable by the county to the city in respect of the several matters and things above mentioned, should be reconsidered, he may by order in council direct that the then existing arrangement shall cease after a time named in the order, and after such time the councils of the said city and county shall settle anew by agreement or arbitration under the provisions of the said *Consolidated Municipal Act, 1883*, or any then existing modification thereof in that behalf, the amount to be paid from the time so named in the order, and that the said matter may be from time to time thereafter in like manner opened up at the end of every five years in manner aforesaid at the instance of either party.

And it is hereby further agreed that the county shall not be entitled to the separate use of the said Court House or of any of the offices therein, and that the same shall be used by the said county only as part of the Judicial County.

And it is hereby further agreed by and between the parties hereto that if any disputes shall arise between the said county and city in respect of the matters hereinbefore mentioned, the same shall from time to time be referred to arbitration in manner provided by *The Consolidated Municipal Act, 1883*, unless the said county and city shall from time to time mutually agree, and it is hereby lastly agreed that the said city and county shall join in a petition to the Legislature asking that this agreement be confirmed and be declared to be binding upon the said corporations respectively, and for such legislation as may be requisite to relieve the county from any further obligations



obligations to provide Court House accommodation for judicial purposes after the erection and completion of the said new Court House and other obligations aforesaid, and to confer upon the city the power to assume the same, and otherwise to carry out the provisions of this agreement.

In witness whereof the said corporations have hereto affixed their Corporate Seals the day and year first above written.

## CHAPTER 74.

An Act to enable the Town of Trenton to develop the water power of the River Trent within its limits, and for other purposes.

*[Assented to 30th March, 1885.]*

### Preamble.

WHEREAS the Municipal Council of the Corporation of the Town of Trenton, have, by their petition, represented that on the river Trent within the limits of the said corporation, there exists a magnificent undeveloped water power which the council and citizens are most anxious to have developed and utilized; that in the session of this House in the year one thousand eight hundred and eighty-two an Act was passed extending the limits of the town so as to enable its inhabitants to develop the said water power; that in the month of October, in the year one thousand eight hundred and eighty-four, in order to enable the corporation of Trenton to develop said water power for the promotion of manufactures in the said Town of Trenton, the Government at Ottawa passed an Order in Council granting permission to the corporation of Trenton to erect a dam on said river; that it would greatly benefit the said town if the corporation were permitted to acquire and hold land on the banks of the river Trent, within the limits of the corporation, for the purpose of developing the water power of said river, and to construct, use and maintain a dam on said river within said town limits, and were also permitted to lease, sell, or otherwise dispose of such lands and surplus power to be obtained and created, and to do and perform such other necessary acts as will tend to the development and utilization of said water power; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows;

Power to corporation of Trenton to acquire land.

1. The Corporation of the Town of Trenton, in the County of Hastings, shall have power to acquire by purchase, or lease from riparian owners and others, land contiguous to the river Trent,

Trent, within the corporate limits of said town, and to hold and enjoy the same, or sell, lease, or otherwise dispose thereof or any part thereof for the purpose of developing the water power of said river, and for the promotion of manufactures and other like purposes, as hereinafter provided.

2. The said corporation shall also have power, so far as Power to construct dam. this Legislature has authority to confer the same, and so far as the same may not interfere with persons whose rights have not been acquired by the said corporation, to construct, build, purchase, improve, extend, hold, maintain, repair, use, manage, sell, lease, or otherwise dispose of a dam across the said River Trent, and in or upon any lands on which they may acquire the right so to do, and the piers, abutments, machinery and other necessary structures appurtenant to and connected with such dam, and may pen back, gather, and husband water for water power purposes by said dam, and may hold, enjoy, use, own, sell, lease or otherwise dispose of the whole or portions of such water power to individuals, companies or corporations.

3. The said corporation shall have power to employ engineers, surveyors and such other persons, and to rent with such conditions, covenants and stipulations as the said corporation shall deem requisite or necessary, or purchase, at the option of the corporation, such lands, buildings, materials and privileges as in their opinion may be necessary to enable them to fulfil their duties, and exercise and enjoy their rights and privileges in that behalf under this Act. Employment of engineers, etc.

4. The said corporation may acquire such lands as any engineer, surveyor, or other person authorized in this behalf by the said corporation shall judge suitable or expedient and proper for said purpose, and may contract with the owner or occupier of the said lands, and those having a right or interest in the said lands for the purchase or the releasing thereof, or of any part thereof, or of any privilege that may be required for the purposes of creating and enjoying such water power as aforesaid. Powers.

5. The said dam, piers, abutments, machinery, flumes, sluiceways, and the structure shall likewise be vested in and be the property of the said corporation of the said municipality, with power to use, sell, lease or otherwise dispose of the same in part or in whole as the said corporation may deem expedient. Dam, etc., to be the property of the corporation.

6. All real or personal property connected with or appertaining to or belonging to the said water power, and belonging to the corporation of the said town, shall be exempt from taxation. The said corporation shall have power to construct or erect Exemption of property from taxation.

erect a bridge in connection with said dam for the passage of vehicles and foot passengers, and for the use and passage of locomotives, cars, or steam carriages, and may grant, sell, or rent said bridge, or the privilege of crossing and using the said bridge for the purposes above mentioned, to any person or persons, or body corporate; Provided that the said corporation may, if it thinks fit, lease any part of the said property as exempt from taxation; but no part leased shall be so exempt unless it is so provided by such lease.

Contracts for  
the erection of  
works.

7. The said corporation shall also have the power of negotiating with any person for the construction or erection of said dam or bridge, or either, upon such terms as may be agreed upon, and may own, hold and enjoy any water power, and water privilege created by the construction and erection of such dam, and may grant, sell, lease, or otherwise dispose of said water power and water privilege, for the purpose of manufactures, or may use the same or such part thereof as may be requisite for generating electricity for lighting the said town, or for the purpose of water works for domestic and fire purposes, and in such case said corporation shall have all the powers, rights, privileges, and duties conferred by *The Municipal Water Works Act, 1882*.

Issue of  
debentures.

8. The said corporation shall have power to pass a by-law or by-laws for raising money by debentures subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1883*, for the purpose of purchasing or renting said lands, constructing said dam, flumes and sluices, and developing said water power.

Corporation  
not to engage  
in manufactur-  
ing.

9. The said corporation shall not, directly or indirectly, engage in any manufacturing enterprise or business under any powers conferred by this Act.

Bonus to com-  
pany or person  
constructing  
dam.

10. The council of the said corporation shall have power to pass a by-law or by-laws subject to and in accordance with the provisions of *The Consolidated Municipal Act, 1883*, for granting aid by way of bonus for the construction, erection and maintenance of dams, piers, abutments, flumes and sluiceways, for the promotion of manufactures within its limits, by granting such sum or sums of money for the purposes aforesaid, or any of them, to such person or persons, or body corporate as the said council may determine upon, and to pay such sum either in one sum, or in annual or periodical payments, with or without interest, and subject to such terms, conditions, and restrictions as the said council may deem expedient.



## CHAPTER 75.

## An Act to consolidate the debt of the Town of Whitby.

[Assented to 30th March, 1885.]

**W**HEREAS the corporation of the Town of Whitby by Preamble. their petition have represented that they have incurred debts and liabilities for aiding the construction of the Whitby, Port Perry, and Lindsay railway; in the purchase of a steam fire engine and other apparatus for the protection of the town from fires; in granting aid to the Mudge and Yarwood Manufacturing Company; in building school-houses; in the purchase of a town hall, and for other purposes, and that debentures to secure the payment of such liabilities to the amount of one hundred and fifteen thousand three hundred dollars were issued by them, and that debentures to the amount of fifty-six thousand four hundred and fifty dollars so issued are still outstanding, and that the indebtedness of the said town, in addition to the outstanding debenture debt, now amounts to ten thousand one hundred dollars, and that such debentures have hitherto been regularly met at the maturity thereof, and that owing to the depreciation in the value of property in the town since the contracting of such debenture debts the annual revenue to be raised by taxation in order to meet the accruing debentures and payment of the town debts and current expenses will be insufficient without exceeding the limit authorized by law, and will be oppressive to the ratepayers thereof, and have prayed that the debt of the said town, now amounting to the sum of sixty-six thousand five hundred and fifty dollars, may be consolidated and that new debentures may be issued for the purpose of meeting and paying such old debentures from time to time as the same may mature, and for discharging the other liabilities of the town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the corporation of the Town of Whitby are hereby consolidated at sixty-six thousand five hundred and fifty dollars, and it shall and may be lawful to and for the said corporation of the Town of Whitby to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons, body, or bodies corporate, either in this Province, in Great Britain or elsewhere, who may be willing to lend the same, a sum of money not exceeding sixty-six thousand five hundred and fifty dollars of lawful money of Canada.

Debts consolidated at the sum of \$66,550.



Authority to  
pass by-laws  
for new debentures.

2. The corporation of the Town of Whitby may from time to time, and as occasion may require or opportunity offer for redeeming debentures or payment of said other debts, pass by-laws, under the terms and conditions hereinafter provided, for authorizing the issue of debentures of the said town to an amount not exceeding in the whole the sum of sixty-six thousand five hundred and fifty dollars, and may impose in and by the said by-law or by-laws a special rate per annum on the whole ratable property of the municipality, to be called "The Consolidated Debenture Loan Rate," over and above and in addition to all other rates, to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest and to provide a fund for the due payment of the principal, when the same shall fall due, of the said debentures last mentioned.

Assent of  
electors to by-  
laws not  
required.

3. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Debentures  
may be issued  
to the amount  
of \$66,550.

4. It shall and may be lawful for the municipal council of the said corporation of the Town of Whitby after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor and countersigned by the treasurer and clerk of the said town for the time being, for such sums not exceeding in the whole the said sum of sixty-six thousand five hundred and fifty dollars, as the said council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half yearly.

Debentures  
when and how  
payable.

5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, in Great Britain or elsewhere, as the said council may by the by-law or by-laws direct, or shall deem expedient, and a portion of the said debentures issued under any such by-law shall be made payable in each year for a term not to exceed forty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of  
funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the said debt of sixty-six thousand five hundred and fifty dollars, and not otherwise, and shall for that purpose from time to time

time be deposited until required in the agency of a chartered bank of Canada at the Town of Whitby or elsewhere in this Province, or invested in government securities or stock either of the Dominion of Canada or the Province of Ontario, upon such terms as the said municipal council and such bank or government shall from time to time agree upon, and shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said Town of Whitby.

7. The treasurer of the said town shall, on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under the second section of this Act, and in pursuance of the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. Sections four hundred and eleven, four hundred and twelve and four hundred and thirteen of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

46 V., c. 18, ss. 411-413 to apply to debentures.

10. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the special rate provided by this Act and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by the sixth section of this Act, as the said council shall direct, and upon such terms as the said council and bank or government shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures or the said outstanding debts and liabilities or some part thereof, and to apply

Investment of money raised by special rate.

apply the residue of such moneys from time to time to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Proviso as to  
outstanding  
school debentures.

**11.** Notwithstanding anything in this Act contained, all the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools or their property in the said Town of Whitby are not now liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects as if this Act had not been passed.

Inconsistent  
provisions in  
Municipal  
Act not to  
apply.

**12.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Liability of  
corporation.

**13.** Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Whitby from any indebtedness or liability which may not be included in the said debt.

Form.

**14.** The debentures to be issued under this Act may be in the form contained in Schedule "A" to this Act; and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of Schedule "B" to this Act.

## SCHEDULE "A."

### *Province of Ontario, Town of Whitby, Debenture.*

Under and by virtue of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria intituled "An Act to consolidate the debt of the Town of Whitby."

The Corporation of the Town of Whitby in the County of Ontario promise to pay to the bearer at the sum of \$ on the day of one thousand hundred and and the half yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the Town of Whitby, in the County of Ontario, this day of A.D. 18 .

SCHEDULE



## SCHEDULE "B."

By-law No.                      of the Council of the Corporation of the Town of Whitby.

By-law to authorize the issue of                      debentures for the sum of \$                      under the authority of the Act passed in the forty-eighth year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Whitby."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to an amount not exceeding \$66,550, as the Corporation of the Town of Whitby in the County of Ontario may in pursuance of and conformity with the provisions of the said Act direct.

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      with interest thereon at the rate of                      per centum per annum payable half yearly according to the coupons to the said debentures attached.

And whereas the amount of the whole ratable property of the said Town of Whitby according to the last revised assessment roll of the said town being for the year one thousand                      hundred and                      was

Therefore the corporation of the said town, enacts as follows :

1. That debentures under the said Act and for the purposes therein mentioned to the extent of the sum of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of                      per centum per annum, payable half yearly on the first days of June and December in each year.

This by-law passed in open Council this                      day of                      in the year of our Lord one thousand                      hundred and

## CHAPTER 76.

An Act to incorporate the Brockville, Merrickville, and Ottawa Railway Company.

[Assented to 30th March, 1885.]

WHEREAS Samuel Jakes, W. H. Magee, and P. Kyle, of Preamble. Merrickville, and J. W. B. Rivers and Henry Torrance, of Brockville, and John Sweetland, McLeod Stewart and William Kingsford, C.E., of Ottawa, have by their petition represented that it is desirable that a railway should be constructed from the

the Town of Brockville, in the County of Leeds, to cross the Rideau river at Merrickville, thence to the City of Ottawa, in the County of Carleton, through the townships of Elizabeth, Augusta, Welford, Montague, Marlboro', North Gower, and Nepean, and have prayed for an Act accordingly, and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**Incorporation.** 1. Samuel Jakes, W. H. Magee, P. Kyle, J. W. B. Rivers, Henry Torrance, John Sweetland, McLeod Stewart, and William Kingsford, with such other persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of "The Brockville, Merrickville, and Ottawa Railway Company" (hereinafter called the company), and the said several persons in this section named shall be provisional directors of the said company.

**Location of line.** 2. The company shall have full power and authority to construct a railway from the Town of Brockville, crossing the Rideau river at Merrickville, and through the townships above mentioned to the City of Ottawa.

**Gauge.** 3. The gauge of the said railway shall be four feet eight and one-half inches.

**Power to purchase, etc., wharves, etc.** 4. It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots and lands; and upon the said water lots and lands, and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same and to dredge, deepen and enlarge such works, and the said wharves, piers, and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

**Power to purchase and** 5. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work

work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise to ply on the said lakes, rivers and canals in connection with the said railway.

work vessels  
in connection  
with railway.

6. The several clauses of the *Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act as aforesaid.

*Railway Act*  
incorporated.

7. The capital stock of the company shall be two hundred thousand dollars, in two thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied, in the first place, to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Capital Stock.

8. The provisional directors of the said company shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves, at a meeting called for the purpose of deciding thereon, not more than five other persons, who shall thereupon become and be provisional directors of the company equally with themselves.

Provisional  
directors to  
hold office  
until other  
directors  
appointed.

9. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereafter provided; and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks notice in the *Ontario Gazette*, and in one paper

Powers of  
provisional  
directors.



paper published in the Town of Brockville and the City of Ottawa, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

First election  
of directors.

**10.** When and so soon as shares to the amount of fifty thousand dollars in the capital stock of the company shall have been subscribed, and two thousand five hundred dollars shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the Town of Brockville and the City of Ottawa and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company, in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting; ?

Allotment of  
stock.

**11.** It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls of such amount and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section twenty-seven of the *Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act as in the case of a call due by a shareholder on a share.

Directors may  
make certain  
payments in  
paid up stock  
or in bonds.

**12.** The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock or in the bonds of the said company such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling

rolling stock, whether such promoters or other persons be provisional directors or not, and any agreements so made shall be binding on the company.

13. Thereafter the general annual meeting of the shareholders of the company shall be held in such place in the City of Ottawa or at such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given as provided in section ten. Annual meetings.

14. Special general meetings of the shareholders of the company may be held at such place in the City of Ottawa, or at such other place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the company upon such notice as is provided in section ten. Special general meetings.

15. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up. Qualification of directors.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company. Rights of aliens.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of directors.

18. It shall be lawful for the company to enter into any agreement with the Grand Trunk Railway Company of Canada, or the Canada Atlantic Railway Company, if lawfully empowered to enter into such agreement, for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any agreements with the said Grand Trunk Railway Company of Canada, or the Canada Atlantic Railway Company, if so lawfully authorized, for the working of the said railway, or for running powers over the same on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with either of the said companies if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and Agreements with other companies

Proviso.

and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Agreements  
for use of rolling  
stock, etc.

**19.** It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Negotiable  
instruments.

**20.** The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note or bill of exchange made or indorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange shall be presumed to have been made with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Grants of land  
to company.

**21.** Any municipality through which the said railway may pass is empowered to grant, by way of gift to the company,  
any



any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any government or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

**22.** The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine-houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use, for the purpose of the said railway, of any stream or water-course at or near which the said railway passes, doing however no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Power to hold additional property at extremities of railway.

Use of streams.

**23.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back-charges on goods.

**24.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use highways.

**25.** For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies by the *Act respecting electric telegraph companies* are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

Exemption  
from taxation

26. It shall further be lawful for the council of any municipality in which any part of the said railway is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Power to  
acquire more  
land than re-  
quired for  
railway.

27. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the required parts only, the company may purchase, use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Power to ac-  
quire quarries  
and gravel  
pits, etc.

28. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the *Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits,  
etc.

29. (1) When said gravel, stone, or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary

sary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway;

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

30. The directors of the company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the company, and countersigned by the secretary, and under the seal of the said company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto: Issue of bonds. Provided, however, that the whole amount of such issue of bonds shall not exceed Proviso. in all the sum of two hundred thousand pounds sterling, and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further Proviso. that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders: Proviso. Provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the



the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting produced to the secretary a certificate under the hand and official seal of a Notary Public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.

Power to mortgage bonds.

**31.** The company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures, or mortgage securities, which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Time for construction.

**32.** The railway shall be commenced within two years, and completed within seven years after the passing of this Act.

Form of conveyance.

**33.** Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written, or the like effect, shall be sufficient conveyances to the company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Construction by ten mile sections.

**34.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections

sections or portions of the said railway, all and every of the clauses of the said Railway Act, and the amendments thereof, applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

**35.** The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway to have been actually suffered: Power to erect snow fences. Provided Proviso. always that any such snow fences so erected shall be removed on or before the first day of April following.

## SCHEDULE A.

### (Section 33.)

Know all men by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars paid to me (or us) by the Brockville, Merrickville and Ottawa Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Brockville, Merrickville and Ottawa Railway Company, its successors and assigns [*here insert any other clauses, conditions and covenants required*], and I (or we) wife (or wives) of the said do hereby bar my (or our)

dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and delivered in }  
the presence of }

[L.S.]

CHAPTER

## CHAPTER 77.

## An Act to incorporate the Niagara Falls Railway Company.

[Assented to 30th March, 1885.]

## Preamble.

**W**HEREAS the persons hereinafter named and others have petitioned for incorporation as a company to construct and operate a railway from a point below and near the Lower Suspension Bridge at the Town of Niagara Falls along the shore of Niagara River below the river bank to the Village of Queenston, and to construct, maintain and operate incline railways to connect with the said railway and run therefrom, at various points, to the top of the river bank; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. John Morison Gibson, M.P.P., Richard Harcourt, M.P.P., James T. Brundage, Andrew G. Hill, and Thomas C. Livingston, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic, under the name of the "Niagara Falls Railway Company."

## Location of line.

2. The said company may lay out, construct, finish and operate a double or single line of railway, of such width or gauge as the company may see fit, from a point below and near the Lower Suspension Bridge at the Town of Niagara Falls on Niagara River, in the Township of Stamford, at or near the water's edge below the river bank, and thence down the river, along or adjacent to the shore line to a point below the whirlpool in the said river, and thence to any point at or near the Village of Queenston; and may also construct, maintain and operate incline railways to connect with the railway hereby authorized to be constructed and run therefrom at various points to the top of the bank of the said river, or to acquire existing incline railways or any interest therein, and maintain and operate the same, and may also extend one of such incline railways at or near the Village of Queenston, so as to connect with the Canada Southern Railway.

## Capital.

3. The capital stock of the said company shall be the sum of one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in the said company, and the money so raised shall be applied, in the first place,



place, to the payment of all fees, expenses and disbursements for the procuring the passing of this Act, and for making the surveys, plans and estimates connected with the railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said railway and other purposes of this Act.

4. The persons named in the first section of this Act shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of this Act, by the shareholders, and shall have power and authority to fill vacancies occurring therein, to associate with themselves therein not more than three other persons, who shall thereupon become and be directors of the company equally with themselves, to open stock books and procure subscriptions for the undertaking, to make calls upon subscribers, to cause surveys and plans to be made and executed, to call a general meeting of the shareholders for the election of directors as hereinafter provided, and generally to do all such other acts as a board of directors under the *Railway Act of Ontario* may lawfully do. Provisional directors.

5. When and as soon as shares to the amount of thirty thousand dollars of the capital stock of the company shall have been subscribed, and ten per centum shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and in one newspaper published in the Town of Niagara Falls, of the time, place and object of said meeting, and at such general meeting the shareholders present, either in person or by proxy, who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect seven persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors; and the sums so paid shall not be withdrawn from the bank except for the purposes of this Act. First election of directors.

6. Thereafter the general annual meeting of the shareholders of the said company shall be held in the Town of Niagara Falls or elsewhere as the directors may deem most convenient, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in some newspaper published in the said town, and in each of the counties from which a bonus may have been received. Annual meetings.

7. A majority of the directors shall form a quorum for the transaction of business. Quorum of directors and

appointment  
of paid  
directors.

transaction of business, and the said board of directors may employ one or more of their number as paid director or directors; provided however, that no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company, and shall have paid up all calls upon the stock.

Calls.

8. The directors may at any time call upon the shareholders for instalments upon each share which they, or any of them, may hold in the capital stock of the said company, in such proportion as they may see fit, no such instalment exceeding ten per cent.; and the directors shall give one month's notice of each call in such manner as may be prescribed by the by-laws of the company.

Power to  
accept pay-  
ments in  
advance of  
calls.

9. The directors may, if they think fit, receive from any shareholder willing to advance the same, all or any part of the amount due on the shares held by such shareholder beyond the sums then actually called for, and upon the moneys so paid in advance, as shall from time to time exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate not exceeding ten per centum per annum as the shareholder paying such sum in advance and the directors shall agree upon.

Power to  
make certain  
payments in  
stock.

10. The said directors may pay or agree to pay in paid up stock, or in bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also subject to the sanction of a vote of the shareholders, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Exemption  
from taxation.

11. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

12. Any municipality through which the said railway may pass is empowered to grant, by way of gift to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the said company to make their road, and lay their rails along any of the highways within such municipality.

Grants of  
land from  
municipali-  
ties, etc.,  
authorized.

13. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a majority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president, or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general or special, of the board of directors, as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Power  
become  
Parties to  
promissory  
notes, etc.

14. The directors of the said company, after the sanction of the shareholders representing at least one-half of the stock of the said company, shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the

Issue of bonds



the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of thirty thousand dollars per mile of railway; and provided also that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner, as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds may be made payable to bearer.

**15.** All such bonds, debentures and other securities, and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer may sue at law thereon in his own name.

Power to mortgage bonds.

**16.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act, issue for construction of the said railway or otherwise.

Branches may be made to connect with other companies.

**17.** The directors of the said company, elected by the shareholders in accordance with the provisions of this Act, shall have power and authority to enter into and conclude any arrangements with any other railway company lawfully authorized to enter into such arrangement for the purpose of making any branch to facilitate a connection between this company and such other chartered railway company.

Transfer of property may be directed by Lieutenant-Governor in Council.

**18.** If at any time before the 1st day of January, 1887, the Lieutenant-Governor in Council shall by Order in Council so direct, the said company shall assign, transfer and make over their said railway and all rights and powers acquired under this Act, or such portion thereof as may be directed as aforesaid, and the surveys, plans, works, plant, stock, machinery and other property or effects relating thereto to such other incorporated company as shall be in and by the said Order in Council designated, but only upon and after payment of such amount as shall have been expended by the said Railway Company upon or in connection with the said railway, and the said maps, plans, surveys, works, plant, stock, machinery and other property thereof, together with interest thereon at eight per cent. from the dates of such expenditure, and in the event of such amount not being agreed upon then such amount as shall be awarded by three arbitrators or a majority of them, one of whom

whom shall be named and appointed by the company, another by the said incorporated company proposing to acquire the said railway, and a third by the Chancellor of Ontario.

19. All shareholders in the said company, whether British subjects or aliens, or residents of Canada or elsewhere, have Rights of aliens. and shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible to office in the said company.

20. Before proceeding with the construction of the said railway, plans and maps shewing the location thereof with profile, cross sections and specifications shall be submitted to and approved by the Commissioner of Public Works; and the said company shall also submit in detail, to the Commissioner of Public Works, plans and drawings of the carriages or coaches proposed to be used for passenger traffic, for his approval, and the same shall be approved of by him before the said carriages or coaches shall be used upon the said railway, and the construction of the said railway and the building of the said carriages or coaches shall be subject from time to time to the inspection, direction and approval of the Commissioner of Public Works. Plans to be subject to approval of Commissioner of Public Works.

21. Nothing in this Act contained shall be held to authorize or empower the said company to take away from or deprive any person of any water power or privileges heretofore conferred upon or obtained by him, or to prevent any person from hereafter acquiring and using any water power or privileges. Company not to interfere with water power or privileges.

22. For the purpose of operating the said railway the said company shall have power to construct and maintain a telegraph or telephone line, and connect the same with their offices, stations and other works, and for that purpose shall have all the powers conferred upon telegraph companies by chapter one hundred and fifty-one of the Revised Statutes of Ontario. Telegraph lines.

23. Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect to shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

24. The directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, and the forms in respect thereof, as well in this province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they shall find expedient, and all such regulations, not being inconsistent with the provisions of this Act and of the *Railway Act of Ontario*, as altered or modified by this Act, shall be valid and binding. Regulations as to transfer of shares.

Form of conveyances.

**25.** Conveyances of land to the said company for the purpose of and powers given by this Act, made in the form set out in the schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate and interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and the certificates endorsed on the duplicates thereof.

Power to purchase land for docks, etc.

**26.** The company shall have full power to erect docks, stations, workshops and offices, and to purchase lands for such purposes, and to sell and convey such land as may be found superfluous for any such purpose, and shall have power to construct, purchase, charter and navigate steamers, vessels and other water-craft on Niagara River and Lake Ontario, for the purpose of traffic in connection with said railway.

Running of trains.

**27.** The said railway may be operated by electric, steam, horse or other power, according as the Lieutenant-Governor in Council shall from time to time approve, and need not be operated by the company except in the summer season, and sub-section two of section thirty-three, of the *Railway Act of Ontario* shall not apply to the said company.

Power to contract for construction and equipment of railway.

**28.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds, or in paid up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Commencement and completion

**29.** The construction of the said railway shall be commenced within three years, and the said railway shall be completed within five years, after the passing of this Act.

Work not to commence until authorized by Order in Council.

**30.** The said company shall not proceed with the construction of the line of the said railway under the powers in this Act contained until authorized by Order in Council in that behalf.



## SCHEDULE A.

(Section 25.)

Know all men by these presents, that I, (or we), [*insert the names of the vendors*], in consideration of \_\_\_\_\_ dollars paid to me (or us), by the Niagara Falls Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we), [*insert the name or names of any other party or parties*], in consideration of \_\_\_\_\_ dollars paid to me (or us), by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*), of land situated [*describe the lands*], the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Niagara Falls Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we), the wife (or wives), of the said \_\_\_\_\_ do hereby bar my (or our), dower in the said lands.

As witness my (or our), hand and seal (or hands and seals),  
this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered }  
in presence of } [L.S.]

## CHAPTER 78.

## An Act to incorporate the Parry Sound Colonization Railway Company.

[Assented to 30th March, 1885.]

WHEREAS the persons hereinafter named, and others, have Preamble  
by their petition prayed to be incorporated as a company for constructing, equipping, and operating a railway from a point in the Township of McDougall, at or near the Village of Parry Sound, to some point on the line of the Northern and Pacific Junction Railway, at or near Burk's Falls, in the Township of Armour, both in the Territorial District of Parry Sound, or at some other point on said railway; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: 1.

Incorporation.

1. P. McCurry, Wm. Beatty, Arthur L. Holmes, John McClelland, George Westgarth, S. B. Purvis, Frank Dowell, John Purvis, Edwin E. Virgo, C. Huffman, James McAllister, Joseph W. Fitzgerald, John B. Miller, D. McFarlane, James S. Miller, Robert Fawns, T. McGown, Wm. Wilcock, T. R. Caton, J. Farrer, Gilbert McEachern, Thomas E. Johnson, Thomas Kennedy, Robert Spring, William Taylor, John Galna, John Moffatt, James Moffatt, William R. Beatty, Alexander Crichton, John S. McKinley, Wm. S. McKinley, Thomas W. George, and Wm. Ireland, together with such other persons and corporations as shall in pursuance of this Act become shareholders of said company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by the name of the "Parry Sound Colonization Railway Company."

Location of line.

2. The said company shall have full power under this Act to construct, equip and operate a railway from a point in the Township of McDougall, at or near the Village of Parry Sound, to a point on the line of the Northern and Pacific Junction Railway, at or near Burk's Falls, in the Township of Armour, both points being in the said District of Parry Sound, or at some other point on said railway in said district.

Gauge.

3. The gauge of the said railway shall be four feet, eight and one half inches.

Provisional directors :

4. Patrick McCurry, Wm. Beatty, John B. Miller, Jos. W. Fitzgerald, Thos. E. Johnson, Wm. Wilcock, Samuel Armstrong, Jacob W. Dill, Hugh Irwin, James Sharpe, Andrew Starratt, and Gilbert McEachern, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, of whom seven shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Their powers.

5. The said board of provisional directors shall have full power to open stock-books and procure subscriptions of stock for the undertaking, to make calls upon the subscribers and collect the same, to cause surveys and plans to be executed, to enter into agreements for right of way, station grounds, terminal grounds and gravel pits, and to receive any grants, loan, bonus, or gift made to or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, with all such other powers as under the *Railway Act of Ontario* are vested in ordinary directors, and the said directors or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any one from subscribing for stock, who, in their judgment, would hinder, delay, or prevent the company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors (or board

of elected directors) shall allocate and apportion it among the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers, if in their judgment such exclusion shall best conduce to the building of the said railway.

6. The capital of the company hereby incorporated shall be two hundred thousand dollars, with power to increase the same, in the manner provided by the *Railway Act of Ontario*, to be divided into two thousand shares, of one hundred dollars each, and shall be raised by the persons who may become shareholders in such company, and the money so raised shall be applied, in the first place, to the payment of all expenses for the procuring the passing of this Act, and for making the survey, plans and estimates connected with the works hereby authorized, and the remainder of such money shall be applied to the purchasing of the right of way, to the making, equipment and completion and working of the said railway and the purposes of this Act; and until such preliminary expenses shall be paid out of the capital stock, the municipal corporation of any municipality on or near the line of such works, may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company or be allowed to it in payment of stock. Capital Stock

7. When and as soon as shares to the amount of fifty thousand dollars of the capital stock of the company shall have been subscribed and two thousand five hundred dollars shall have been paid into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers, for the purpose of electing directors, giving at least four weeks' notice in the *Ontario Gazette*, and in a paper published in the Village of Parry Sound, of the time, place and object of said meeting; and at such general meeting the shareholders present either in person or by proxy, who shall, at the opening of such meeting, have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the said company, in manner and qualified as hereinafter described, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting. First election of directors.

8. The principal office of the said company shall be in the Village of Parry Sound, and all general meetings of the company shall be held in the said village. Head office.



Qualification  
of directors.

**9.** In the election of directors under this Act no person shall be elected unless he shall be the owner of at least ten shares of the stock of the said company, upon which all calls due thereon have been paid.

Annual  
meetings.

**10.** Thereafter the general annual meeting of the shareholders of the said company shall be held in the Village of Parry Sound, on such days and hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week for the same period in a newspaper published in the Village of Parry Sound.

Special  
general  
meetings.

**11.** Special general meetings of the shareholders of the said company may be held at such times and in such manner, and for such purposes as may be provided by the by-laws of the said company, upon such notice as is provided in the last preceding section.

Aliens.

**12.** Aliens and companies incorporated abroad as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the company.

Quorum.

**13.** At all meetings of the board of elected directors, five directors shall form a quorum for the transaction of business, and the said board of directors may employ one of their number as paid director.

Calls.

**14.** The directors for the time being may from time to time make calls as they shall think fit, provided that no calls shall be made at one time for more than ten per centum of the amount subscribed by each shareholder, and four weeks' notice shall be given of each call, as provided by section seven, said calls not to be made at closer intervals than three months.

Payment of  
stock in full  
allowed.

**15.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of the subscription thereof or at any time before making any final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, not exceeding twelve per centum, and thereupon to issue scrip to such subscriber to the full amount of such stock subscribed.

Aid to com-  
pany.

**16.** The said company may receive from any Government, or from any persons or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of gift, bonus or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

17. The said provisional directors or the elected directors may pay or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material or plant, or rolling stock, buildings or lands, and also, subject to the sanction of a vote of the shareholders, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of the right of way, or material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

Payments in bonds or stock authorized in certain cases.

18. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal taxation, and for such term of years, as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

19. The corporation of any municipality through which the said railway may pass is empowered to grant, by way of gift, to the said company, any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway, and the said railway company shall have the power to accept gifts of land from any government, or any person, or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company; and it shall be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality.

Power to receive grants of land and dispose of same.

20. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special meeting, to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking, and the real property of the company, including its rolling stock and equipments, then existing

Issue of bonds.

Proviso.

Proviso.

Proviso.

ing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the said company as aforesaid: Provided, however, that the whole amount of such issue of bonds shall not exceed ten thousand dollars per mile of said railway; provided further that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Bonds, etc.,  
may be made  
payable to  
bearer.

**21.** All such bonds, debentures, and other securities, and coupons, and interest warrants thereon respectively, may be made payable to bearer, and transferable by delivery, and any holder of such securities so made payable to bearer may sue at law thereon in his own name.

Promissory  
notes, etc.

Proviso.

**22.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any promissory note or bill of exchange, made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of directors, shall be binding on the said company, and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president or secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Form of conveyance.

**23.** Conveyances of land to the said company for the purposes of the said railway, under the powers given by this Act, made in the form set out in Schedule A, hereto annexed, or the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower respectively of all persons executing the same, and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry law of Ontario, and no registrar shall be entitled to demand



demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

24. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the *Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section, as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction of railway.

25. (1) When said gravel, stone, or other material, shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the *Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way, from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects, after the railway is constructed, for the purpose of repairing or maintaining the said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, sand, stone, or earth, sub-section eight of section twenty of the *Railway Act of Ontario* shall not apply.

26. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, or gravel pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the required parts only, the company may purchase,

Power to acquire more land than required for railway.

use,

use, hold, and enjoy such lands and also the right of way thereto if the same be separated from their railway, and sell and convey the same or parts thereof from time to time, as they may deem expedient, but the compulsory clauses of the Railway Act shall not apply to this section.

Agreements  
for lease of  
railway, etc.

**27.** It shall be lawful for the company incorporated by this Act to enter into any arrangement with the Northern and Pacific Junction Railway Company, if lawfully empowered to enter into such arrangement, for leasing to them the said railway, or any part thereof; and it shall further be lawful for the company to enter into any arrangements with the said Northern and Pacific Junction Railway Company, if so lawfully authorized, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for the sale thereof, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with the said company, if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers and privileges by this Act conferred: Provided that every such lease or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Transfer of  
shares.

**28.** Shares in the capital stock of the company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to  
mortgage  
bonds.

**29.** The said company hereby incorporated may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can, under the powers of this Act issue, for the construction of the railway or otherwise.

**30.** For the purpose of constructing, working and protecting the telegraph lines constructed by the company, under this Act, on their line of railway, the powers conferred upon telegraph companies by the *Act respecting electric telegraph companies*, are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Telegraph lines.

**31.** The company shall have the power to purchase such lands as may be required for the purpose of erecting thereon such warehouses, elevators, docks, stations, workshops, and other buildings as may be found necessary to facilitate the working and running of the said railway, and from time to time to sell and convey such portion or portions of said lands as may not be required for the purposes aforesaid; and the company shall also have power to acquire and hold such steam and other vessels as may be required to facilitate the carriage of passengers, freight, and other traffic in connection with the said railway.

Power to acquire lands for warehouses, etc.

**32.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to collect back charges on goods.

**33.** The railway shall be commenced within three years, and completed within five years after the passing of this Act.

Commencement and completion of railway.

**34.** The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario*, and amendments thereto with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the Railway Act, and the amendments thereof applied to, included in, or incorporated with, the Act incorporating the said railway company, and the amendments thereto or otherwise applicable to the said railway company

Power to construct railway in sections.



pany shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said Railway Act, and the amendments thereof, with respect to "plans and surveys."

Snow fences.

**35.** The said company shall have the right, on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April next following.

## SCHEDULE A.

### (Section 23.)

Know all men by these presents that I (or we) (*insert the names of the vendors*), in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Parry Sound Colonization Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) \_\_\_\_\_ in consideration of \_\_\_\_\_ dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant, or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*here describe the lands*), the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances unto the said Parry Sound Colonization Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 188 .

Signed, sealed and delivered }  
in the presence of }

## CHAPTER 79.

## An Act respecting the St. Catharines and Niagara Central Railway Company.

[Assented to 30th March, 1885.]

**W**HEREAS the St. Catharines and Niagara Central Railway Company have petitioned for certain amendments to their Act of Incorporation, passed in the forty-fourth year of Her Majesty's reign, and chaptered seventy-three, and the several Acts amending the said Act of Incorporation passed in the forty-fifth year of Her Majesty's reign, and chaptered sixty-two, and in the forty-seventh year of Her Majesty's reign, and chaptered seventy-two, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A quorum of the directors of the said company shall hereafter consist of a majority of the members of the board.

Quorum of directors.

2. The shareholders of the company at a special general meeting to be called for the purpose, may decide by a majority of the shares present in person, and by proxy, that the bonds authorized to be issued by section thirty-five of the Act passed in the forty-fourth year of Her Majesty's reign, chapter seventy-three, and by section one of the Act passed in the forty-seventh year of Her Majesty's reign, chapter seventy-two, shall cover the whole line of railway and all its property, or they may divide the road and its various branches into two or more sections for bonding purposes, and in case such division is determined upon, the section which it is intended that bonds to be issued shall cover, shall be clearly stated and designated in the bonds, and the shareholders, at a meeting called as aforesaid, may, by resolution, authorize the said company to secure such bonds by a deed or deeds of mortgage upon the whole line of railway, or any section or sections thereof, and any such deed shall contain such description of the property mortgaged thereby, and such conditions respecting the payment of the bonds thereby secured and of the interest thereon, and the remedies to be enjoyed by the holders of such bonds, or by any trustee or trustees for them, in default of such payment, as are approved by such meeting.

Bonds may be made to cover whole line or only specified parts thereof.

3. A by-law of the Corporation of the Town of Thorold, heretofore passed, granting aid to the company by guaranteeing the payment of interest to the extent of twelve hundred dollars

By-law of Thorold in aid of railway confirmed.

dollars yearly for twenty years upon bonds of the said company, and the payment of the said annual sum is hereby declared to be legal, valid, and binding upon the said corporation, and on default of payment from time to time on demand of interest due, guaranteed by the said by-law, the holders of the said bonds or any of them, shall have the same recourse as in case of any debt, debenture, or otherwise owing by the said corporation, any law, custom, or statute to the contrary notwithstanding, and notwithstanding any defect or omission of form or otherwise in the said by-law.

issue of  
debenture  
stock author-  
ized.

4. The directors of the company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue debenture stock for the purpose of raising money for prosecuting the undertaking of the railway, but only to an extent along with any issue of bonds as shall not exceed twenty thousand dollars per mile of the railway, and the scrip for debenture stock shall be made and signed by the president or vice-president of the company, and countersigned by the treasurer and under the seal of the company, and such debenture stock shall, without registration or formal conveyance, be taken and considered to be a first and preferential claim and charge along with the issue of bonds, if any, upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of debenture stock shall be deemed to be a mortgagee and encumbrancer pro rata, with all other holders thereof, and of bonds, upon the undertaking and property of the company, as aforesaid; provided, that in the event at any time of the interest upon the said debenture stock remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of debenture stock shall have and possess the same rights and privileges for voting as are attached to shareholders; and provided, that the debenture stock and any transfers thereof shall have been registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary to register the same on being requested to do so by any holder thereof, and that notwithstanding that any such debenture stock may have been already registered by a former holder thereof.

Proviso.

Proviso.



## CHAPTER 80.

## An Act to incorporate the St. Clair, Essex Centre and Erie Railway Company.

[Assented to 30th March, 1885.]

**W**HEREAS the construction of a railway has become desirable for public convenience from some point on Lake St. Clair, in the County of Essex; thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence in a south-easterly direction through the Townships of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid; and whereas a petition has been presented by the municipal council of the Village of Essex Centre in the said County of Essex, and by the councils of the other interested municipalities for the incorporation of a company for that purpose; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. James Brien, John Milne, Zachariah Gillies, A. J. Green, C. G. Fox, H. W. Allan, and George J. Thomas, together with any other persons and corporations as shall in pursuance of this Act, become shareholders in the company hereby incorporated, shall be and are hereby constituted a body corporate and politic, by and under the name of "The St. Clair, Essex Centre and Erie Railway Company." Incorporation

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act, to lay out and construct and finish a double or single iron or steel railway from some point on Lake St. Clair in the County of Essex, thence to run in a southerly or south-westerly direction to a point on the Canada Southern Railway within the limits of the Village of Essex Centre, thence in a south-easterly direction through the Townships of Colchester and Gosfield to the Village of Kingsville, and thence easterly to the Village of Leamington in the Township of Mersea, and thence in a southerly direction to a point on Lake Erie, all in the County of Essex aforesaid. Location of line.

3. The gauge of the said railway shall be four feet eight and one half inches. Gauge.

4.

Provisional  
Directors.  
Quorum.

4. The persons named in the first section of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

Powers of  
Provisional  
Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under the *Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at Essex Centre or at such other place as may best suit the interest of the said company.

Meetings.

Form of  
conveyance.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscription  
for stock.

7. No subscription for stock in the capital of the company shall

shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans, or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway. Bonuses, etc., to company.

9. The capital of the company hereby incorporated shall be three hundred thousand dollars (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall thereafter if such municipality shall so require be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock. Capital stock. Municipal aid for preliminary expenses.

10. When and as soon as shares to the amount of thirty thousand dollars in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, the said provisional directors or a majority of them shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the Village of Essex Centre, in the said County of Essex, of the time, place and purpose of said meeting. First meeting for election of directors.

11. At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five, and not more than seven persons as hereinafter mentioned to be directors of the said company (of whom a majority shall be a quorum), and may Election of directors. Quorum.



may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Qualification  
of directors.

**12.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Calls on stock.

\* **13.** The directors may from time to time make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section ten.

Payment of  
certain ex-  
penses  
authorized.

**14.** The provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual  
meeting.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the Village of Essex Centre, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the Village of Essex Centre during the four weeks preceding the week in which such meeting is to be held.

Special meet-  
ings of share-  
holders.

**16.** Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from mu-  
nicipalities.

**17.** Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid

Provide,

shall

shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified rate-payers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

**18.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely : Provisions as to bonus by-laws.

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act* ;

(3) In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act* as aforesaid ;

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

**19.** Such by-law shall in each instance provide : (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law ; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively. By-law, what to contain.

**20.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain Provisions for referring to arbitration disputes as to bonus by-laws

tain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators may order.

"Minor municipality,"  
meaning of.

**21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

Deposit for  
expenses.

**22.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried,  
council to pass same:

**23.** In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

And issue  
debentures.

**24.** Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed, to the trustees appointed, or to be appointed, under this Act.

Levying rate  
on portions of  
municipality.

**25.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of  
Municipal Act  
as to by-laws.

**26.** The provisions of *The Consolidated Municipal Act*, and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion



portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for commencement.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from municipal taxation

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of lands.

Acquiring  
lands for  
stations,  
gravel pits, etc.

**32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring  
gravel, etc., for  
construction  
and maintain-  
ance of rail-  
way.

**33.** When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to  
gravel pits,  
etc.

**34.** (1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

(2)

(2) When estimating the damages for the taking of gravel, stone, earth or sand sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

**35.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. Trustees of debentures

**36.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The St. Clair, Essex Centre and Erie Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of five hundred dollars, recoverable in any court of competent jurisdiction by any person who may sue therefor. Trusts of proceeds of debentures.

**37.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. Fees to Trustees



Bonds.

**38.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Form of  
bonds.

**39.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Bills and  
notes.

**40.** The said company shall have power and authority to become parties to promissory notes, and bills of exchange for sums of not less than one hundred dollars, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable

Proviso.

able to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

*Mortgaging bonds for advances.*

42. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

*Agreements for use of rolling stock, etc.*

43. The company incorporated by this Act is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada (if lawfully authorized to enter into such arrangements) for amalgamation with the said Grand Trunk Railway Company, or for the leasing their said line or any part or parts thereof to the said company, and may also make traffic running arrangements with the said company, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

*Arrangements with G.T.R. Co. authorized.*

44. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter one hundred and fifty-one of the Revised Statutes of Ontario) are hereby conferred upon the said company.

*Telegraph lines.*

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

*Aliens may be shareholders and directors*

Transfer of  
shares.

**46.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to erect  
warehouses.

**47.** The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Collection of  
back charges.

**48.** The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Commence-  
ment and com-  
pletion of rail  
way.

**49.** The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

## SCHEDULE A.

(See Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the "St. Clair, Essex Centre, and Erie Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "St. Clair, Essex Centre, and Erie Railway Company," their successors and assigns [*here insert*



*insert any other clauses, covenants or conditions required*],  
and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals)  
this ~~\_\_\_\_\_~~ day of \_\_\_\_\_, A.D. 188 .

Signed, sealed and delivered }  
in the presence of } [L.S.]

## SCHEDULE B.

(See Section 36.)

### *Chief Engineer's Certificate.*

THE ST. CLAIR, ESSEX CENTRE AND ERIE RAILWAY COMPANY'S  
OFFICE.

No. \_\_\_\_\_ *Engineer's Department.* A.D. 188

Certificate to be attached to cheques drawn on the St. Clair,  
Essex Centre, and Erie Railway Company Municipal Trust  
Account, given under section \_\_\_\_\_ chapter \_\_\_\_\_ of the Acts  
of the Legislature of Ontario, passed in the \_\_\_\_\_ year of  
Her Majesty's reign.

I, A.B., Chief Engineer of the St. Clair, Essex Centre, and  
Erie Railway Company, do hereby certify that the said com-  
pany has fulfilled the terms and conditions necessary to be ful-  
filled under the by-law No. \_\_\_\_\_ of the Township of \_\_\_\_\_ (or  
under the agreement dated the \_\_\_\_\_ day of \_\_\_\_\_ between  
the corporation of \_\_\_\_\_ and the said company) to entitle the  
said company to receive from the said trust the sum of  
[here set out the terms and conditions, if any, which have been  
fulfilled].

## CHAPTER 81.

An Act respecting the Chatham Gas Company.

[Assented to 30th March, 1885.]

**W**HEREAS the Chatham Gas Company were incorporated Preamble.  
under the provisions of chapter sixty five of the Consoli-  
dated Statutes of Canada for supplying the Town of Chatham with  
gas; and whereas the company by mortgage granted and mort-  
gaged to the Merchants' Bank of Canada the lot number seven-  
teen on the westerly side of King street in the Town of Chatham,  
which was vested in the company, and on which their gas  
works

works in said town were erected, and all easements and rights possessed by them in said town for supply of gas to and for the use of the inhabitants, and all fittings, pipes, meters and other materials possessed and used by them in their said works, in or under the surface of the said town, and all rights and interests under the by-laws of the town conferred on the said company, and all and singular the appurtenances of said gas works in said town of what nature or kind soever, and the said bank, under the power of sale contained in such mortgage, sold and conveyed such lands and all easements and rights so mortgaged to them in fee simple to one James Lamont, who acquired all the shares in the capital stock of the said company, and for many years maintained the said gas works, and thereby supplied the said Town of Chatham with gas; and whereas the said James Lamont lately sold and transferred certain of the shares in the capital stock of the Chatham Gas Company to four other persons, and the said James Lamont and such four other persons complied with the requirements of section two of chapter one hundred and fifty-seven of the Revised Statutes of Ontario, and petitioned the municipal council of the Town of Chatham, who passed a by-law having for its object the re-organization of the Chatham Gas Company, which was filed in the registry office for the County of Kent, and in the office of the Provincial Secretary; and whereas doubts exist as to the due incorporation and powers of the said company, and it is expedient to remove such doubts;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Chatham Gas  
Company  
declared to be  
a body  
corporate.

1. It is hereby declared that from and after the filing of such last mentioned by-law as aforesaid the said the Chatham Gas Company became and now is a body politic and corporate, having all the powers, rights, privileges and authorities conferred by chapter one hundred and fifty-seven of the Revised Statutes of Ontario, or by any other statute of the said Province relating to gas companies incorporated under that statute.

## CHAPTER 82

### An Act to amend the Acts relating to "The Land Security Company."

[Assented to 30th March, 1885.]

Preamble.

**W**HEREAS the Land Security Company has petitioned that an Act may be passed extending the borrowing and other powers of the said company, and amending the Acts incorporating and relating to the said company so as to enable the said company to extend its operations, and it is expedient to grant the prayer of the said petition; Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The second section of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered one hundred and twenty-eight, and intituled *An Act to revive and amend the Act incorporating the Toronto House Building Association*, as amended by the third section of the Act passed in the forty-fifth year of Her Majesty's reign and chaptered eighty, is hereby repealed, and the following section substituted therefor :

2. "The company shall have power to acquire and hold by lease, purchase, or other legal title, lands, houses, buildings, building material, or premises, to construct, erect, build, and maintain houses or other buildings, and to lease, exchange, sell, convey, dispose of, mortgage and charge the same as the company may deem for its advantage ; and shall also have power to invest in or lend its money on security of mortgages on real estate, whether freehold or leasehold, and whether the interest payable on such mortgage be greater or less than eight per centum, or Dominion or Provincial Government bonds or debentures, municipal securities or debentures of, or issued for or at the instance of, any school section or board of school trustees, or the stock of chartered banks doing business within the Province of Ontario, or the bonds or debentures of any building society or loan company, and may purchase mortgages of real estate, whether freehold or leasehold, that may be approved of by the directors, and may re-sell the same as they deem advisable, and for any such purpose may execute such deeds, assignments or other instruments as may be necessary ; and with respect to all such matters it shall have power to enter into, make and enforce all such contracts, stipulations, agreements, and conditions, as its directors for the time being may deem necessary for carrying out the same."

Powers of the Association.

2. The fifth section of the said Act passed in the thirty-sixth year of Her Majesty's reign, and chaptered one hundred and twenty-eight, as amended by the fifth section of the said Act passed in the forty-fifth year of the reign of Her Majesty, and chaptered eighty, is hereby further amended by striking out all the words after the words "one hundred dollars each," in the said section, and by substituting therefor the words "provided that the aggregate of such deposits shall not at any time exceed double the aggregate amount paid up on the capital of the company, and the aggregate of such deposits, bonds, or debentures shall not at any time exceed the subscribed capital of the company upon which [not less than twenty per cent. shall have been paid."

36 V. c. 128, s. 5 amended.

3. The company is hereby empowered to act as an agency and may hold, invest, and deal with such lands, moneys, mortgages, mort-  
gages, agents.

Power to act as trustees or agents.



gages, securities or debts as shall from time to time be transferred or delivered to the company as agents, and shall have the same power in respect of the same as if they belonged to the company, as well as all the powers and rights which corporations or parties so transferring or delivering the same might or could exercise, and the company may give such guarantee as may be agreed on for the proceeds of the same, or for the repayment of principal or interest or both of any such moneys, mortgages, securities, or debts.

## CHAPTER 83.

An Act to amend An Act intituled "An Act to Incorporate the Long Point Company."

*[Assented to 30th March, 1885.]*

Preamble.

WHEREAS the Long Point Company were by their Act of incorporation, chapter one hundred and twenty-two, of the Acts passed in the twenty-ninth and thirtieth years of the reign of Her Majesty, empowered to purchase, acquire and hold in fee simple certain lands and property on Long Point, in Lake Erie, mentioned in the said Act, for the purposes of the Company, as by the said Act authorised, such lands and property being all the land and property on said Long Point then owned by the parties who procured said Act of incorporation; and whereas the said Company have expended large sums of money in carrying out the purposes and business for which they were incorporated, and it will benefit and advance such purposes and business if they are enabled to acquire and hold other lands and property on Long Point aforesaid; and whereas they have prayed for the passing of an Act to that end, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Interpretation.

1. In this Act the expression, "the Company," shall mean the Long Point Company; the word "shareholder," shall mean every subscriber to or holder of stock in the Company, and shall extend to and include the personal representatives of the shareholder; and the words "life right member," shall mean the holder of any right to hunt, shoot or fish upon any part of the Company's property for life, or any less term.

Power to acquire further lands, and to lease or sell the same.

2. (1) In addition to the powers, rights and privileges of the Company contained in the said Act of incorporation, the Company may, from time to time, lease, or purchase, acquire and hold in fee simple, from the respective owners thereof, any property

perty, lands, marshes, marsh-lands and land covered with water, or rights, privileges or interests therein or thereto at, on, or adjacent to Long Point, in Lake Erie, which are not now owned by the Company under their said Act of incorporation, and all such property, lands, marshes, marsh-lands, and lands covered with water, or any part thereof, the Company may at any time and from time to time lease or sell and convey in fee simple, on such terms as the Company may see fit: Provided Proviso. that no power shall be given to the said company to acquire any interest in any part of the mainland opposite to Long Point, or any marshes, marsh-lands, or lands covered with water, adjacent to the main land aforesaid.

(2) The Company may also carry on the business of preserv- Business of the  
ing, protecting, breeding, and granting licenses to take game, Company.  
muskrats, mink, otter, beaver, and fish upon the property,  
lands, marshes, marsh-lands and lands covered with water  
and in the water covering the same, now or hereafter owned  
or leased by the Company, at, on or adjacent to Long Point  
aforesaid.

**3.** Section ten of the said Act of incorporation is hereby 29-30 Vict.  
amended as follows :— c. 122, s. 10,  
amended.

(a) By the insertion of the words “may appoint either from amongst themselves or otherwise a,” after the word “and,” in the second line of said section.

(b) By the insertion of the words “the times and periods during which shareholders and life right members may hunt, shoot or fish, and the manner, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life right member, by action in any court of competent jurisdiction, in the name, and for the benefit of the Company, a reasonable penalty or penalties in money for any and all breaches of a by-law or by-laws lawfully made by the Company,” after the word “have,” in the twenty-first line of the said section.

## CHAPTER 84.

An Act to amend the Charter of incorporation of the  
Niagara Falls International Camp Meeting As-  
sociation.

[Assented to 30th March, 1885.]

WHEREAS the “Niagara Falls International Camp Meeting Association” have become incorporated under the provisions of the *Act respecting Benevolent, Provident and other Societies*, being chapter one hundred and sixty-seven of the Revised Statutes of Ontario; and whereas the said Association have petitioned for an Act to enable them to issue debentures

debentures to a limited amount, and for other powers not conferred by their charter; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
debentures.

1. It shall and may be lawful for the said Association at any annual meeting or special meeting called for that purpose, and they are hereby empowered under and in pursuance of any by-law or by-laws of the said Association in that behalf which may from time to time be passed, to issue from time to time for the purpose of the Association, debentures executed by the president for the time being of the Association, countersigned by the secretary and treasurer of the Association, payable to bearer at such times and places and bearing such rates of interest, and payable in such manner and at such date or dates as may be stated in the by-law authorizing such issue; and which debentures and interest shall, without registration or other formal conveyance, be a first preferential claim and lien upon the real and personal property and assets of the Association then existing or at any time thereafter acquired, and upon the revenue or revenues of the company during the currency of such debentures; and each by-law authorizing such issue shall state the total amount of preferential debentures to be issued under such by-law, and each holder of debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders of debentures issued under and by virtue of the same by-law upon the real and personal property and the assets of the Association;

Proviso.

Provided always that it shall not be lawful for the said Association to issue such debentures while there remains a mortgage or lien for unpaid purchase money upon the premises of the said Association or any portion of the same, unless the proceeds thereof be vested in trustees for the purpose of satisfying such mortgage or mortgages, the balance of said proceeds being applicable to the general purposes of the said Association; nor shall any second by-law be passed for the purpose of issuing debentures unless for the purpose of redeeming or renewing debentures under a previous by-law, unless the said Association shall have paid and satisfied all outstanding debentures charged on the real and personal property and assets of the said Association, or shall have obtained the consent in writing of all the holders of debentures theretofore issued by the said Association; but nothing herein contained shall prevent, and the said Association is hereby empowered to mortgage such property as they may subsequently acquire for the purposes of the said Association by way of securing payment of the purchase money or such part thereof as may remain unsatisfied; provided that the debentures hereby authorized to be issued shall not in the whole exceed the sum of fifty thousand dollars,

Proviso.



dollars, and the said debentures shall be issued in sums of one hundred dollars each, and shall be assignable by delivery.

2. Provided, however, that before issuing the debentures by any such by-law authorized to be issued, a copy of such by-law certified under the seal of the company, shall be filed in the office of the clerk of the county court of the county of Welland, who shall be entitled for each such filing to the sum of twenty-five cents. Copy of by-law to be filed.

3. In the month of January in each year the Association shall file with the clerk of the county court of the county of Welland a statement under oath of the President or Secretary of the Association, shewing the total amount then owing on the debentures issued under any by-law authorizing the same. Yearly statement as to debentures to be filed.

4. Except as provided in the first section hereof, the said Association, should any debentures issued under the provisions of this Act have been paid, or should no such debentures have been issued, shall have power to sell and mortgage their lands to the extent and in the manner provided in the said *Act respecting Benevolent, Provident and other Societies*, but during the time that any such debentures as have been issued are outstanding the said Association shall not have power to sell or mortgage any of the real and personal property and assets. Power to mortgage land.

5. The said Association may acquire from time to time and hold for the purposes of the said Association, lands not exceeding in all three hundred acres, and may erect buildings upon and otherwise improve the same for the purposes aforesaid to any extent they may deem advisable or proper, and section twelve of the said *Act respecting Benevolent, Provident and other Societies* shall not apply to the said Association. Acquiring lands by the Association.

6. The several municipalities in which the lands of the said Association lie, may pass by-laws from time to time for periods not exceeding five years, enabling the said municipalities to exempt in part or in whole, the said Association and the several leaseholders thereof, from the payment of the rates struck by the said municipalities upon their respective assessments of the lands of the said Association lying in such municipalities, and such assessment in each municipality may be a single assessment upon all the property of the said Association, including the property of the leaseholders thereof in such municipalities respectively, and in such case the rate or rates so fixed as aforesaid upon such assessments, shall be payable by the said Association to the several municipalities respectively, in which the lands of the said Association lie. Taxation of lands.

7. The said Association shall be deemed to be an Association or society duly incorporated under the said *Act respecting Benevolent, Provident and other Societies*. Incorporation.

Power to regulate conduct of business.

8. The said Association shall also have power to define by by-laws to be passed at annual meetings or special meetings called for that purpose, the terms and conditions upon which carters, hackmen, butchers, bakers and all other persons who desire to conduct their business or sell their goods or wares upon the grounds of the Association, shall conduct their business or sell their wares, and may require all such persons as they may deem expedient to allow to enter the grounds for the purpose aforesaid to obtain from the Association a permit, which permit may be granted by the Association for such periods, and upon such terms, and upon the payment of such fees as the Association may by its by-laws direct.

Sale of intoxicating liquors.

9. The said Association may pass a by-law or by-laws to prevent intoxicating liquors being sold, kept, or used upon said grounds for any purpose whatever, except upon the prescription of a physician, such prescription to be, when obtained, filed with the secretary of the Association, or with such other person as the Association may by such by-law or by-laws direct.

Sale of Association's lands.

10. The Association may from time to time sell or enter into any agreement with reference to such portions of their lands as they may not require for their purposes, provided they obtain the consent of mortgagees or holders of debentures if any, of the said Association.

## CHAPTER 85.

### An Act respecting the Royal Canadian Yacht Club.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the Royal Canadian Yacht Club have presented their petition shewing that in order to carry on, manage and transact their affairs, and exercise the powers conferred upon them by their Act of Incorporation passed in the thirty-first year of Her Majesty's reign and chaptered sixty-nine, they have from time to time found it necessary to mortgage their property which they always considered and believed, and were advised that they had power to do; and whereas, in order to defray expenditure and liabilities necessarily incurred by them, they did, on or about the 30th day of September, one thousand eight hundred and eighty-four, obtain by way of loan from George Gooderham and John Leys, the sum of \$12,000, and executed a mortgage of their property to secure the same; and whereas during the completion of the said mortgage and advance a question was raised as to the powers of the said petitioners to mortgage their property, and they thereupon agreed with the said George Gooderham and John Leys that if they would

would complete the said loan they, the said petitioners, would apply for an Act to declare their said powers and to remove such doubt; and whereas the said petitioners have prayed for the passing of an Act for such purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It is and shall be lawful for the Royal Canadian Yacht Club to borrow money upon the credit of the club, and to hypothecate, pledge or mortgage the real or personal property of the club to secure any sum or sums of money so borrowed, at such rate of interest and on such terms as may from time to time be agreed upon. Power to mortgage.

2. The said mortgage to George Gooderham and John Leys is declared to have been and to be within the powers of the said Royal Canadian Yacht Club, and to be valid accordingly. Existing mortgage confirmed.

3. The club shall have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the club under the hands of their Commodore and Honorary Secretary after authority from the Committee of Management of the club so to do, and the Committee of Management shall likewise have authority in case of the absence or inability to act of the Commodore or Honorary Secretary or either of them, to appoint any other officer or member of the club to act in the place and stead of the one so absent or unable to act; and in no case shall it be necessary that the seal of the club be affixed to any such bill or note, nor shall the Commodore or Secretary or such other person or persons appointed in their place and stead as aforesaid, be individually responsible therefor; provided that nothing herein contained shall be construed to authorize the club to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or as bills of a bank. Power as to promissory notes. Provide.

## CHAPTER 86.

### An Act to amend the Act Incorporating the St. George's Society of Toronto.

[Assented to 30th March, 1885.]

WHEREAS the St. George's Society of Toronto have, by their petition, represented that it is advisable and necessary in the interests of the said Society that the Act passed in the twenty-second year of Her Majesty's reign, chapter seventy-two, incorporating the said Society, should be amended in

in



in several particulars, and have prayed for an Act for that purpose, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

22 V., c. 72, s.  
1, amended.

1. Section one of the said Act is hereby amended by striking out all the words of the said section after the word "representatives" in the twenty-ninth line thereof, and by inserting in lieu thereof the following provision; "and provided also that the proceeds of such property as shall have been disposed of during the said period, and the other available funds, shall be invested for the use of the said corporation in Dominion, Provincial or Municipal securities, in mortgages of real estate in this Province or in the debentures of loan companies, incorporated under chapter 164 of the Revised Statutes of Ontario or any Act incorporated therewith, with power to change the same from time to time, and to deposit its moneys with such companies and chartered banks, and to hold deposit receipts therefor"; but nothing herein contained shall affect the securities held by the said corporation at the passing thereof, or the re-investment of the same in similar securities.

22 V., c. 72, s.  
2, amended.

2. Section two of the said Act is hereby amended by adding at the end thereof the words: "provided also that the said corporation may, in like manner, elect other officers at such meeting and may fill vacancies that may arise in any office from time to time as shall be provided for in the said by-laws."

22 V., c. 72, s.  
3, amended.

3. Section three of the said Act is hereby amended by adding the words "or secretary" after the words "treasurer" in the fourth line thereof, and striking out the words "and none other."

22 V., c. 72, s.  
4, amended.

Corporation  
may make by-  
laws.

4. Section four of the said Act is hereby repealed and the following is hereby substituted therefor:—  
It shall be lawful for the said corporation to make by-laws not contrary to the provisions of this Act for the admission and expulsion of members, the election of officers and regulating the holding of office and for the proper administration of the property and affairs of the said corporation; and to add to, repeal or amend such by-laws from time to time at any annual general meeting of members; provided that such by-laws, or amendments, or repeals of the same shall have been proposed and seconded at a previous quarterly meeting and that notice of the same specifying their nature shall have been inserted in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of the annual meeting at which such by-laws, amendments or repeals are to be submitted; and no  
by-laws,

by-laws, amendments or repeals shall have any effect unless sanctioned by the vote of at least two-thirds of the members present at such annual meeting."

5. Section eleven of the said Act is hereby repealed and the following is substituted therefor, namely:—  
 "The said Committee of Management shall annually submit to the members at every annual general meeting a statement of the receipts and expenditure for the preceding year, and also of the assets and liabilities of the said corporation certified by the treasurer and two auditors to be elected at any general meeting of the corporation."

22 V., c. 72, s. 11, repealed.

Accounts to be submitted annually.

6. The said corporation is hereby empowered, notwithstanding anything hereinbefore contained, to repeal, add to or amend its existing by-laws at any time during the year next ensuing the passing hereof, at a special meeting to be called by the President for that purpose; provided that notice of such meeting and its object shall be published in two daily newspapers published in the City of Toronto at least twice in each of the two weeks immediately preceding the holding of such meeting, and such repeals, additions or amendments shall be sanctioned by the vote of at least two-thirds of the members present at such special meeting.

Power to repeal or amend existing by-laws.

## CHAPTER 87.

### An Act to incorporate the Turkey Point Company.

[Assented to 30th March, 1885.]

WHEREAS, Thomas Rodman Merritt, William Hamilton Merritt, Henry James Taylor, John H. Stratford, Benjamin Killmaster, Henry Harris Groff, William Brown Hunter, Benjamin Ross McConkey, David Tisdale, and Samuel D. Woodruff have by petition represented that they have arranged for acquiring a tract of land in the Township of Charlotteville, on Turkey Point, Long Point Bay, Lake Erie, and that they desire to promote hunting and fishing, and otherwise to manage and make the said land available for the purposes of the company incorporated by this Act, and that they can do so to better advantage by the aid of an Act to that end, and have prayed for the passing of an Act accordingly, and it is expedient to grant the prayer of the said petition;

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Thomas R. Merritt, William Hamilton Merritt, Henry J. Taylor, John H. Stratford, Benjamin Killmaster, Henry Harris Groff,

Incorporation and corporate name.

Groff, William B. Hunter, Benjamin R. McConkey, David Tisdale, and Samuel D. Woodruff, together with all such other persons as shall become shareholders in the company hereby constituted, shall be and they are hereby made a body corporate and politic by the name of "The Turkey Point Company."

Company empowered to purchase lands from Samuel D. Woodruff for money or shares.

2. (1) The company may purchase, acquire and hold in fee simple, from the said Samuel D. Woodruff, at and for such price or sum of money, or for such a number of paid-up shares of the capital stock of the company as the directors of the company appointed by this Act may agree upon, and by resolution fix and appoint (and such shares shall thereafter be taken, held and stand as the other shares which are actually paid in cash), all such parts of lots three to eleven, both inclusive, in Broken front Concession "A," in the Township of Charlotteville, in the County of Norfolk, and all lands, marsh-lands, and lands covered with water, in front of said lots, which the said Samuel D. Woodruff now owns.

Company empowered to purchase other lands, and to lease or sell the same.

(2) The company may also, from time to time, lease or purchase, acquire and hold, in fee simple, from the respective owners thereof, any property, lands, marshes, marsh-lands, and lands covered with water, or rights, privileges or interest therein or thereto, being any parts or part of said township lots lying in front of the front road which crosses the same, or in front of the said lots, and the said property, lands, marshes, marsh-lands, and lands covered with water, in this section mentioned, or any part thereof, at any time to lease, or sell, or convey in fee simple, on such terms as the company may see fit.

Business of the Company

3. The company may carry on the business of pursuing, breeding, protecting, and granting licenses to take game, muskrats, mink, otter, beaver, and fish; and also upon all or any property, lands, marshes, marsh-lands and lands covered with water, which the company may at any time acquire or in or on the water covering the same, and generally the doing of such other acts or things with the said lands and property, or with any mineral substance or thing grown or to be grown, found, or being in or upon the same, as may promote the interests of the company, and not being contrary to the laws of this Province.

Capital.

4. The capital stock of the company shall be the sum of fifty thousand dollars, divided into fifty shares of one thousand dollars each.

Calls.

5. The capital stock shall be paid by the shareholders when and as the directors of the company shall require, or as the by-laws may provide, and in case any instalment shall remain unpaid after demand and reasonable notice, as the by-laws prescribe, and within the time limited by such notice, the directors



directors may by resolution, reciting the facts and duly recorded in their records, summarily forfeit any shares whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws of the company may provide. Forfeiture for non-payment.

6. The stock of the company shall be deemed personal estate and be assignable in such manner only and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for have been paid, unless it has been declared forfeited for non-payment. Stock to be personally — how assignable.

7. At all meetings of the company every shareholder not in arrear in respect to any instalment called for, shall be entitled to as many votes as he holds shares in the stock of the company, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy. Votes.

8. The said Thomas R. Merritt, William Hamilton Merritt, Henry J. Taylor, John H. Stratford, Benjamin Killmaster, Henry H. Groff, William B. Hunter, Benjamin Ross McConkey, David Tisdale, and Samuel D. Woodruff, shall be directors of the company until replaced by others duly elected in their stead. Provisional Directors.

9. The affairs of the company shall be administered by a board of not less than three nor more than five directors, being severally holders of at least five shares of stock; the after directors shall be elected at the first general meeting (of which each shareholder shall have ten days' notice, by letter mailed to his address), and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified), may always be re-elected; and two members of such board present in person shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any director, such vacancy may be filled by the board of directors, if they see fit, until the next annual meeting of the shareholders, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, as the by-laws of the company shall regulate. Elections of directors shall be by ballot. Board of Directors. Election. Failure to elect not to operate dissolution.

10. The board of directors shall, from time to time, elect from amongst themselves a president, and may appoint either from amongst themselves or otherwise, a secretary-treasurer of the company, and shall have full power in all things to administer the affairs of the company, and may make or cause to be made any purchase and any description of contract which the company may by law make, but in no instance to exceed one hundred dollars beyond what has been authorized by the shareholders; President and Secretary-Treasurer. Powers of Directors.

By-laws for  
certain  
purposes,

holders; to adopt a common seal; to make, from time to time, any and all by-laws (not contrary to law or to the votes of the shareholders), regulating the calling in of instalments on stock and payment thereof; the forfeiture of shares for non-payment; the disposal of forfeited shares and the proceeds thereof; the transfer of shares; the declaration and payment of dividends; the appointment, functions, duties, and removal of all agents, officers and employees of the company, the security to be given by them to the company, their remuneration; the time and place for holding the general annual and other meetings of the company and of the board of directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other offices which they may require to have; the times and periods during which the shareholders and life-right members may hunt, shoot and fish, and the manners, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life-right member, by action in any court of competent jurisdiction, in the name and for the benefit of the company, a penalty or penalties in money for any and all breaches of a by-law or by-laws lawfully made by the company; the imposition and recovery of all reasonable penalties and forfeitures, admitting of regulation by by-law; and the conduct in all other particulars of the affairs of the company, but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, and every copy of any by-law under the seal of the company and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law

Proof of.

Company not  
bound to see  
to execution of  
Trusts.

11. The company shall not be bound to see to the execution of any trusts, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipts.

Liability of  
shareholders  
limited.

12. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company beyond their shares in the stock thereof.

Contracts,  
bills, notes,  
etc., how  
executed.

13. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company, in accordance with their powers under the by-laws, or by vote of the company shall

shall be binding upon the company, and in no case need the seal of the said company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor, but the said company shall issue no bank-note or note to circulate as money.

14. The company may commence operations upon the passing of this Act. Commencing operations.

15. Notwithstanding anything in this Act contained, the said company shall not pursue and take game or fish during the close season, as fixed from time to time by the laws and regulations of this Province, or of any other lawful authority in that behalf. Company to observe game laws.

16. The expression "the company" shall mean the company hereby incorporated whenever used in this Act, or in the by-laws of the company hereby incorporated; the word "shareholder" shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholder; and the words "life-right member" shall mean the holder of any right to hunt, shoot, or fish upon any part of the company's property for life, or any less term. Interpretation.

## CHAPTER 88.

### An Act to incorporate the Bishop of the Diocese of Algoma.

[Assented to 30th March, 1883.]

**W**HEREAS the House of Bishops of the Church of England in Canada, with the assent of the Incorporated Synod of the Diocese of Toronto, in the year 1873 set apart a certain portion of the said Diocese of Toronto, being within the Province of Ontario, and comprising the then Districts of Muskoka and Parry Sound; Manitoulin, Algoma District, East and West, and so much of the District of Nipissing as belonged to the Diocese of Toronto, as a new and missionary diocese to be known as the Missionary Diocese of Algoma; And whereas the Right Reverend Frederick D. Fauquier, Doctor of Laws, now deceased, was elected, consecrated and appointed first Bishop of the said Missionary Diocese of Algoma of the Church of England in Canada, in the year 1873, and held such office until the time of his death, whereupon the Right Reverend Edward Sullivan, Doctor of Divinity, was elected, consecrated and appointed to fill the vacancy in such office, and is the present Bishop of the said diocese; And whereas the said Diocese of Algoma is still a missionary diocese, and no Synod, Preamble

Assembly,



Assembly, Convocation or other body comprising representatives of the clergy and laity therein has ever been convened or organized; And whereas in the absence of such a body it is expedient that provision should be made for the management and control of the property, affairs and interests of the said Church in matters relating to and affecting only the said Church and the officers and members thereof; And whereas there are no rectory lands within the limits of said diocese; And whereas divers lands situate within said diocese have been granted to the successive incumbents of said bishopric, to each and his successors in office, for various purposes in connection with the said Church in said diocese, in the belief that the bishop of said diocese is and was a corporation sole; and it is expedient to make provision in respect thereof;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Bishop of the  
Diocese of Al-  
goma incor-  
porated.

1. The Bishop of the Diocese of Algoma of the Church of England in Canada, for the time being, and his successors, shall be a corporation sole, by and with the name aforesaid, with perpetual succession and all the powers and privileges contained in sub-section 24 of section 8 of *The Interpretation Act*, and every power and capacity in respect of real or personal property now enjoyed by any incorporated synod of any diocese of the said Church of England in Canada.

Management  
of affairs and  
property, and  
powers of  
conversion.

2. The Bishop of the Diocese of Algoma for the time being shall have the management of the property, affairs and interests of the said Church in his diocese in matters relating to and affecting only the said Church and the officers and members thereof; and shall have the administration and control of all property, real, personal and mixed, which now is or hereby or hereafter may be vested in him or conveyed to him for the use or endowment of his See or vested in or conveyed to him or any other person or body as trustee, for the use or endowment, benefit or advantage of the said Church in his diocese in general, or of any particular church, chapel, parish, living, parsonage, institution, mission, congregation, person or persons, or otherwise howsoever, of the said Church in the said diocese, or for other purposes appertaining to said Church in his diocese in general, or appurtenant to any particular parish, mission, or other person or portion of or in connection with said Church in said diocese; with power to lease, exchange, mortgage, encumber, sell, alien and convey the same, in the absence of any express provision to the contrary in the deed or document whereby such property is given or granted, or such trust created as aforesaid; provided always that the rent, proceeds, purchase money or income so realized or raised, or the property so received in exchange shall be held on the same general or special trusts as attached to the property in its unconverted form; and

Proviso.

and no purchaser shall be liable for the application of any moneys or other considerations given by him on any sale, exchange, or other conversion or security made or given under the provisions of this Act.

3. The Bishop of the Diocese of Algoma for the time being may take over and receive from any person or body corporate now or hereafter holding and desirous of transferring the same any property of what description soever vested in such person, or body on any of the trusts or for any of the purposes aforesaid, and hold the same to and upon the trusts, uses and purposes which heretofore attached to it, and upon the completion of such transfer such person or body shall be discharged and freed from any liability arising from the future execution of the said trusts.

Land held by trustees may be vested in Bishop of Algoma.

4. The Bishop of the Diocese of Algoma for the time being shall have and is hereby invested with the like corporate rights, powers, patronage and privileges as by any Act or Acts of this Province or of the late Provinces of Canada or Upper Canada are conferred on any Bishop of the said Church of England in Canada, or on any Church Society or Incorporated Synod in any Diocese of the said Church; and the several clauses and provisions of the said Acts shall be read, taken and applied, in so far as the same may be applicable, to the Bishop of the Diocese of Algoma for the time being; but nothing in the said Acts contained shall be taken to confine, restrict or lessen the powers, rights and privileges hereby conferred on the Bishop of the Diocese of Algoma for the time being.

Rights, powers, etc., of Bishop of Algoma.

5. Nothing herein contained shall be taken or construed to affect or alter the rights of the parties as declared in an action lately pending in the Chancery Division of the High Court of Justice, known as "*LaBatt v. Campbell*," as to the legacies in question therein, or shall affect or alter the rights of the parties in any case in which a claim adverse to the right of any of the said grantees has been made in any court, or in any case where any party entitled to claim on the death of the grantee has heretofore alleged his claim by written notice to either of the said Bishops, or in the case of real estate by such notice or by taking adverse possession.

Rights of parties not affected.

6. Subject to the provisions of the next preceding section, all deeds, conveyances and letters patent heretofore made to the said the Right Reverend Frederick D. Fauquier or to the said the Right Reverend Edward Sullivan purporting to convey lands or any interest therein to either of them and his successors as such Bishop of the said Diocese of Algoma, shall be as valid and effectual for the purpose of vesting the same in the corporation by this Act created, as if such corporation had been created and in existence at the time at which such deeds, conveyances and letters patent were made.

Previous grants confirmed.

## CHAPTER 89.

An Act to amend the corporate powers of the Directors of the County of Carleton General Protestant Hospital.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the Directors of the County of Carleton General Protestant Hospital have petitioned for certain amendments to their corporate powers; and it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Power to sell lands.

1. The Directors of the County of Carleton General Protestant Hospital may and they are hereby authorized and empowered from time to time, in their discretion, with the consent in writing of at least seven of the said directors to sell, grant and convey to such person or persons, body or bodies politic or corporate, his, her or their heirs, successors and assigns forever, at and for such price or prices and on such terms and conditions and either for cash or on credit as to the said directors may seem advisable, all such lands and tenements as the said directors now have and hold, or shall or may hereafter from time to time have, hold, or acquire by purchase, grant, gift, devise or otherwise which the said directors shall consider not required for the use of the said Hospital and the necessary grounds and buildings thereto appertaining, free from all uses and trusts under which the said lands and tenements are or shall be held by the said directors.

Application of proceeds of sale.

2. All moneys arising from such sale or sales shall be invested by the said directors and the income derived therefrom applied to and for the use, benefit, general support and maintenance of the said Hospital; and no purchaser or purchasers of the said lands and tenements, or any part thereof, shall be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt under the seal of the said directors, and the hands of the President or Vice-President and the Secretary and Treasurer for the time being of the said directors, shall be a sufficient discharge therefor.

Power to lease lands.

3. Until such sale or sales of the said lands and tenements, the said directors may, from time to time, with the consent in writing of at least seven of the said directors, rent and lease the same or any part thereof at such rents, and for such term or terms as the said directors shall deem advisable, and the rents, issues and profits thereof shall be applied in the same

manner



manner as the moneys arising from the sale of such lands and tenements are hereinbefore directed to be applied, but no person paying rent to the said directors shall be held liable for the proper application or misapplication thereof by them.

4. All deeds, conveyances or leases of any such lands or tenements so sold or leased shall be deemed to be validly executed if sealed with the corporate seal of the said directors, and signed by the President or Vice President and the Secretary and Treasurer, for the time being, of the said directors. Execution of deeds.

5. Section one of chapter thirty-three of the Acts of 14-15 V. c. 33, the late Province of Canada passed in the fourteenth and fifteenth years of Her Majesty's reign, entitled *An Act to incorporate the County of Carleton General Protestant Hospital*, is hereby amended by substituting the word "four" for the word "three" in the last line thereof. s. 1, amended.

6. The said directors by and under their corporate name of "The Directors of the County of Carleton General Protestant Hospital," shall be able and capable in law to take, purchase and hold, by any legal title whatsoever, all such lands, tenements, possessions and property, real and personal, as may be necessary for the actual use and occupation of the said hospital and for the residences of the officers thereof, with gardens and pleasure grounds pertaining thereto, already conveyed or hereafter to be conveyed to the said Directors or any person or persons for the use and benefit of the said Hospital; and to accept and hold within the limits hereinafter prescribed for the benefit of the said Hospital, any gifts, devises, or bequests of any property, real or personal, to sell and alienate any property so given, devised, or bequeathed, and to apply the proceeds of such sale or sales for the use and benefit of the said Hospital and to invest such moneys as they deem advisable upon such securities as, to the said Directors, shall seem meet: Provided that no gift or devise of any real estate or of any interest therein, in favour of the said Hospital, shall be valid unless made by deed or will executed by the donor or testator at least six months before his death; and provided always, that real estate not required for the use and occupation of the said Hospital or for the residences of the officers thereof, as aforesaid, shall not at any time be held by it for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said Directors shall revert to the party from whom it came to the Directors, or to his or her heirs or devisees. Power to take and hold lands. Proviso. Proviso.

7. Section three of the said chapter thirty-three is hereby repealed, except as to any act, matter or thing heretofore done thereunder, and the following substituted therefor: 14-15 V., c. 33, s. 3, repealed.

The annual meeting for the election of directors shall be held Election of directors.

held on the first Tuesday in October next after the passing of this Act, and on the first Tuesday in October in each year thereafter, notice to that effect having been for ten days previously given by the Secretary of the said directors in a newspaper published in the City of Ottawa, setting forth the day, hour, place and object of the said meeting. The present twelve elected directors shall hold office up to the said first Tuesday in October next, when the whole of the twelve present elected directors shall cease to hold office and the majority of the subscribers to such Hospital present at such last mentioned meeting shall choose from among the subscribers twelve persons to be directors for the general management and control of the said Hospital, of whom four, mentioning their names, shall be chosen to serve for the term of one year, and four more of such directors, mentioning their names, shall be chosen to serve for the term of two years, and the remaining four, mentioning their names, shall be chosen to serve for the term of three years; and on the first Tuesday in October, 1886, and on the first Tuesday in October in each year thereafter, the majority of such subscribers present at such annual meetings, respectively, shall choose from among the subscribers four persons to be directors for the term of three years in the place and stead of the four directors whose term of office will expire at such annual meetings, respectively; Provided always that no person shall be elected a director unless he shall be an annual subscriber to the amount of five dollars; and if any person shall have subscribed and paid or shall hereafter subscribe and pay the sum of one hundred dollars to the funds of the said Hospital, and shall annually thereafter subscribe and pay the sum of five dollars to the said Hospital, such person shall be a life director in addition to the twelve directors to be elected as aforesaid; and if any director so elected shall resign or die during his term of office, the majority of the remaining directors, including the life directors present at a meeting specially called for the purpose, may nominate and appoint a subscriber to be a director in the place or stead of such director so resigning or dying, for the residue of the term of office for which such director so resigning or dying was elected; and if from any cause in any year the annual election of directors do not take place at the respective times appointed, the directors who would otherwise retire from office at such time, shall continue to hold office until their successors shall be elected, and such election shall be held at such time and place within one month after the time hereinbefore appointed as may be provided for by a by-law passed by the directors for that purpose, which by-law the said directors are hereby authorized and empowered to make and pass.

Proviso: qualifications of directors.

## CHAPTER 90.

An Act to authorize the sale of certain lands belonging to the Presbyterian Church in the Township of Eldon.

[Assented to 30th March, 1885.]

WHEREAS under and by virtue of Letters Patent under Preamble, the Great Seal of the Province of Canada, bearing date the Eighth day of July, in the year of our Lord one thousand eight hundred and thirty-six, and mesne conveyances in pursuance of the terms of the said patent, all that certain parcel or tract of land and premises situate, lying and being in the Township of Eldon, in the County of Victoria, and Province of Ontario, containing by admeasurement two hundred acres, be the same more or less, being composed of lot Number Six in the Fourth Concession of the Township of Eldon, is vested in James McPherson, Eachern McEachern and Alexander McPherson, all of the Township of Eldon aforesaid, yeomen, as Trustees upon the trusts and to and for the uses, intents and purposes in said patent expressed, that is to say, in trust to hold the same forever to and for the benefit of the Presbyterian Minister for the time being Incumbent of the Presbyterian Church of Scotland, erected in the said Township of Eldon; And, whereas the greater portion of the said lands has been for a long time used as a farm, and in consequence of a long vacancy in the incumbency of the said church, the buildings and fences on said farm became and are out of repair, and the farm is in a bad state of cultivation, so that it cannot be rented to any advantage, and to rebuild and repair would consume the rent for several years to come, and the said property has in manner aforesaid become of no use to the incumbent of the said church, and it is desirable that the said lands, except the portion hereinafter reserved for a manse, should be sold and part of the proceeds used to build a manse, and the residue invested for the benefit of the incumbent for the time being of the said church; And, whereas the said trustees, the congregation of the said Presbyterian Church of Scotland aforesaid, and John Gillies, the incumbent thereof, by their petition pray that the said lands, save and except that portion thereof reserved for a burying ground and manse, being that portion thereof commencing at the south east angle of said lot, thence north eighteen degrees and forty-seven minutes west along the easterly limit thereof five chains and seventeen links, thence south seventy-one degrees and thirty-five minutes west, twenty-seven chains and fifty-two links, thence north eighteen degrees and thirty-five minutes west one chain and thirty-five links, thence south seventy-three degrees and twenty minutes west, ten chains and twenty-three links, thence south four degrees and twenty-nine minutes east, four chains and ten links  
more



more or less, to the northerly limit of the allowance for road between lots five and six, thence north seventy-one degrees and thirty-five minutes east, five chains and sixty-six links, thence south eighteen degrees and thirty-five minutes east, two chains and eighty links more or less, to the said road allowance through the easterly half of said concession, thence north seventy-one degrees and thirty-five minutes east, along said road allowance thirty-three chains and ten links more or less, to the place of beginning, containing by admeasurement nineteen acres and nine-tenth acres of land, all bearings being astronomical, may be sold and disposed of, and the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland has consented to such sale; And, whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

Sale of lands  
authorized.

1. The said Trustees, James McPherson, Eachern McEachern, and Alexander McPherson, the survivor or survivors of them, or any of them, or any succeeding Trustee or Trustees, to be appointed as directed in the said letters patent, of them or of any of them, or the survivor or survivors of them, shall have full power and authority to sell and absolutely dispose of and convey all and every or any part of the said lands and premises in the preamble to this Act mentioned, save the portion thereof reserved as aforesaid, and therein described by metes and bounds, with the appurtenances, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in cash or in money payable and to be secured by instalments, mortgages or otherwise as to the trustees or trustee for the time being shall seem reasonable, and any deed executed by such trustees or trustee as aforesaid, shall vest in the purchaser a full, clear and absolute title to the said lands, and freed from all trusts whatsoever contained in the said Letters Patent.

The purchasers not bound to see to the application of the money.

2. The purchaser or purchasers of the whole or any part of the said lands and premises shall not be bound to see to the application of the purchase money or moneys arising from such sale or sales, but the receipt of the vendor or vendors, or of the survivor or survivors of them or of either of them, shall be a sufficient discharge thereof.

Authority to build a manse out of the proceeds of sale.

3. After payment of the expenses of obtaining this Act and all proper and reasonable costs, charges and expenses of effecting and carrying out such sale or sales, the said Trustees are authorized to apply such part of the proceeds of such sale or sales as they think proper to and for the building of a manse for the use of the said minister on the portion of said lands reserved and in the preamble hereto described by metes and bounds,

bounds, and the residue of said proceeds or moneys to invest from time to time in Government stock, or securities of the Dominion of Canada, or upon the security of freehold and real estate of ample value in the Province of Ontario.

4. The said Trustees shall hold the said residue of said proceeds or moneys upon the like trusts as are declared by the said Letters Patent so as to pay the interest arising and accruing therefrom, and no more, to the Presbyterian Minister for the time being incumbent of the said church.

Residue to be held on like trusts as those declared in patent.

5. And it is hereby declared that the Trustees or Trustee for the time being shall not, nor shall any of them, their or any of their heirs, executors or administrators, or any of them be chargeable or accountable for any involuntary loss suffered by him, them or any of them, nor any one or more of them, for any other or others of them, nor for more money than shall come to their respective hands.

Trustees not to be accountable for involuntary loss.

6. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of said lands, nor any liens or incumbrances now existing on or against said lands.

Rights not affected.

## CHAPTER 91.

### An Act to Amend the Acts Incorporating the College of Ottawa.

*[Assented to 30th March, 1885.]*

**W**HEREAS the Corporation of the College of Ottawa have, Preamble.  
by their petition, represented that the institution was incorporated under the name of "The College of Bytown" by an Act of the Parliament of the Province of Canada passed in the year one thousand eight hundred and forty-nine, that in the year one thousand eight hundred and sixty-one the Act of Incorporation was amended, and the name changed to "The College of Ottawa," and that in the year one thousand eight hundred and sixty-six the Parliament of the Province of Canada passed an Act conferring on the college the powers and status of a university; and whereas the corporation have represented that certain amendments are required for more clearly defining the members who shall compose the college senate, for enlarging the powers of the senate in the granting of degrees, and also for enabling the corporation to make certain other minor changes in the government of the institution, and it is expedient to grant the prayer of the petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows ;—

29-30 V., c.  
135, s. 2,  
repealed.

Constitution  
of college  
Senate.

1. Section two of the Act passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapter one hundred and thirty-five, intituled "*An Act to amend the Acts incorporating the College of Ottawa, and to grant certain privileges to the said College,*" is hereby repealed, and the following enacted in lieu thereof:—The college senate shall consist of the president and the bursar of the college and of the persons, for the time being, filling the following positions in the college, namely :—the professors of divinity, the prefect of studies, the professors of metaphysics, of ethics, of higher mathematics, the first professor of natural sciences, the first professor of Greek, the first professor of Latin, the first professor of English, the first professor of French, the professors of mechanical sciences, and the deans of the faculty of law and of medicine, together with the *ex-officio* members named in the last-mentioned Act.

29-30 V., c.  
135, s. 4  
repealed.  
Power of  
granting  
degrees.

2. Section four of the last mentioned Act is hereby repealed, and the following enacted in lieu thereof:—The college senate shall have power to examine for, and after examination to confer in such mode, and on compliance by the candidate with such conditions, as they shall from time to time determine, the several degrees of bachelor and master of arts, bachelor and doctor in laws, in science, and in music, and also the degree of civil engineer, of mining engineer, and of mechanical engineer, and the senate shall also have power to examine for the medical degrees in the four branches of medicine, surgery, midwifery, and pharmacy, and after examination to confer the several degrees of bachelor of medicine, doctor of medicine, and master in surgery, and such reasonable fees shall be charged to the candidates for examination for degrees as the college senate shall, by statute or order in that behalf from time to time determine, and such fees shall be paid into the general fund of the said corporation.

*Ad eundem*  
degrees.

3. The President and members of the college senate shall also have power to confer any of the said degrees as *ad eundem* degrees.

Affiliation  
of other  
colleges.

4. The college senate may, by statute in that behalf, prescribe that any college, seminary, or other institution established in any province of Canada other than Ontario, for the promotion of literature, science or art, or for instruction in law, medicine, or mechanical science in any province of Canada may, upon application, affiliate to and connect with the University of the College of Ottawa, for the purpose of admitting therefrom as candidates, at any of the respective examinations for standing or for scholarships, honours, degrees and certificates, which the senate



senate are authorized to confer, such persons as may have respectively completed in such college, seminary, or other institution whilst affiliated with the University of the College of Ottawa, such course of instruction preliminary to any of the said respective examinations for standing, or for scholarships, honours, degrees, or certificates, as the senate shall from time to time, by regulations in that behalf, determine.

5. Section thirteen of the last mentioned Act is hereby repealed and the following enacted in lieu thereof:—All questions which shall come up before the senate shall be decided by the majority of votes of the members present, including the vote of the president of the senate, or other presiding member of the senate, and in case of an equal division of such votes, the president or the presiding member at such meeting shall have an additional or casting vote.

29-30 V., c.  
135, s. 13  
repealed.

Questions how  
decided on  
vote of senate.

6. The Lieutenant-Governor of Ontario shall be a visitor of the said university.

Lieutenant-  
Governor to  
be a visitor.

7. The college senate shall report to the Lieutenant-Governor at such time as he may appoint, on the general state, progress, and prospects of the university, and upon all matters touching the same, with such suggestions as they think proper to make, and the senate shall also at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the university, and copies of such annual or other reports shall be laid before the Legislative Assembly of the Province of Ontario, at the then next session thereof.

Report to  
Lieutenant  
Governor.

## CHAPTER 92.

### An Act respecting the Old Cemetery in the Town of Palmerston.

[Assented to 30th March, 1885.]

WHEREAS the land hereinafter described and known as the old Cemetery in the Town of Palmerston was many years ago dedicated for and afterwards used as a public burying ground, the said land being bounded on the north and east by Lot A, on the south by Prospect-street, and on the west by Queen-street, on the plan of part of the Town of Palmerston, prepared by Lewis Bolton, P.L.S., dated sixteenth July, one thousand eight hundred and seventy-five, on file in the registry office for North Wellington, and being marked on said plan as the "Cemetery" and containing one acre more or less, the said land having formerly been part of lot number eighteen in

Preamble.

the

the eleventh concession of the Township of Wallace; and whereas the said land has, pursuant to a by-law of the Town of Palmerston, ceased for several years to be used for burial purposes, and the said town has provided another and more suitable public burying ground which is now used in the place of the said old cemetery; and whereas the latter is now unfenced and lying in common; and whereas it is desirable that the said parcel of land should be closed as a cemetery, and the bodies of the dead still lying therein should be removed therefrom, and that said parcel of land should be vested in the corporation of the Town of Palmerston for public purposes; and whereas the said corporation have prayed that an Act may be passed accordingly, the trustees of the said old cemetery not objecting thereto; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Cemetery  
vested in  
corporation.

1. It shall be lawful for the corporation of the Town of Palmerston, after the removal as by this Act provided, of the bodies interred in that parcel of land known as the Old Cemetery aforesaid, to have and to hold the said parcel of land and after the passing of this Act the said parcel shall become and be, and the same is hereby vested in the said corporation, and the same shall be held, and used, for any public purpose as the council of the said corporation may, by any by-law or by-laws to be passed from time to time, determine.

Remains of  
dead may be  
removed.

2. The said corporation is hereby authorised forthwith, after giving notice as hereinafter mentioned, and at its own expense, to remove from the said old cemetery the remains of the dead therein interred to the new cemetery of the said corporation, at the sole cost of such corporation, and to re-inter such remains decently and in order, and to re-erect any monument or headstone erected in said old cemetery at the time of such removal, and, so far as reasonably may be, with a due regard to the wishes or desires of the relatives or friends of the deceased, as to the manner of such removal and re-interment, and so as that such re-interment shall be in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice of  
removal.

3. The said corporation shall, before removing the remains as aforesaid, give written notice to the relatives of the dead, when known, and during the period of one month: publish a notice once in each week in the newspaper published in the said town, stating their intention to remove the said remains upon a day to be named in the said notice, which day shall not be less than six weeks after the first publication of such notice, and the said corporation shall be required to pay all reasonable expenses incurred or sustained by the relatives in the removal  
of

of said remains ; and no further or other notice to the friends or relatives of the deceased shall be necessary.

4. The said corporation shall make compensation in the premises to Thomas McDowell, who dedicated the said old cemetery, or to any person, or persons who lawfully claim under him in respect of any right or interest they may have therein, and to the trustees lawfully acting under the bond or instrument of dedication, dated the nineteenth day of June, A.D. 1858, in respect of any moneys by them, or any of them, expended for improvements thereon ; and the amount of such compensation shall be arrived at by taking the value of the land of the said old cemetery, and deducting therefrom all the expenses incurred by the said corporation in obtaining this Act, and incidental thereto, and of carrying out the provisions of sections 2 and 3 hereof, and in case the amount of such compensation cannot be mutually agreed upon the same shall be determined by arbitration under *The Consolidated Municipal Act, 1883* ; and the provisions of that Act under the title "Arbitrations," and of section 487 thereof, shall apply to any arbitration to be held hereunder ; and the arbitrators shall have power to apportion such compensation among the several parties entitled thereto.

Corporation to make compensation to T. McDowell and others.

## CHAPTER 93.

An Act to amend the Act incorporating the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto.

[Assented to 30th March, 1885.]

WHEREAS by the petition of the Dean and Chapter of the Cathedral of St. Alban the Martyr, a corporation created and constituted by the Act passed in the forty-sixth year of the reign of Her Majesty, and chaptered sixty-three, intituled *An Act to incorporate the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto* ; it is represented that the said petitioners are desirous that the Chancellor and Registrar of the Diocese of Toronto should be *ex-officio* members of their corporation, and also that they the said petitioners should have power to appoint officers and to constitute such officers *ex-officio* members of their said corporation ; and whereas by the said petition it is also represented that they the said petitioners have experienced great difficulty in obtaining land for the purposes set out and authorized by the second section of the said Act, within the limits of the City of Toronto, of the extent and dimensions suitable for their purposes, except at a cost greatly disproportioned to the means and objects of the said petitioners, but that lands have been offered

Preamble.

to



to them closely adjacent to the north limits of the City of Toronto, of a size and position convenient and suitable for their purposes; and whereas the said petitioners are therefore desirous that they should be empowered to acquire lands beyond the said limits instead of within the same as authorized by the said Act; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Chancellor and Registrar of Diocese and certain officers of corporation to be ex-officio members of corporation.

1. The chancellor and the registrar of the Diocese of Toronto for the time being, and the person or persons for the time being, who shall hold any office or offices of or for the said corporation and in respect of which the said corporation shall declare that persons holding such office or offices shall be members of the said corporation shall be *ex-officio* members of the said corporation, and of the governing body thereof.

Power to acquire lands.

2. The said corporation shall have power to acquire by purchase, gift, devise, or bequest, lands for the purposes mentioned in the second section of the said Act without the limits of the City of Toronto as well as within such limits, subject, however, to the provisoes and conditions in the said Act set forth.

## CHAPTER 94.

An Act to enable the Trustees of St. John's Church, Cornwall, to sell certain lands in the Town of Cornwall, and for other purposes.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS it has been made to appear by the congregation of St. John's church in the Town of Cornwall, of the Presbyterian Church in Canada (formerly in connection with the Church of Scotland), represented by Daniel Eugene McIntyre, Jacob Farrand Pringle, Oliver Groves, Donald Ban MacIennan and Corydon Josephus Mattice, trustees thereof, that by an Act of the Legislature of Ontario passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, chaptered eighty-seven, the lands and premises hereinafter mentioned were, together with other lands, declared to be vested in certain trustees named in the said Act and their successors in office, to be appointed as provided by the said Act, under the name of "The Trustees of the Congregation of the Presbyterian Church of Canada in connection with the Church of Scotland in Cornwall," upon the trusts as declared in the said Act; that by an Act passed in the thirty-eighth year of the reign of

of Her Majesty Queen Victoria, chaptered seventy-five, entitled *An Act respecting the union of certain Presbyterian Churches therein named*, it was declared that as soon as the union thereunder should take place "all property real or personal within the Province of Ontario now belonging to or held in trust for or to the use of any congregation in connection or communion with any of the said churches shall thenceforth be held, used and administered for the benefit of the same congregation in connection or communion with the united body under the name of "The Presbyterian Church in Canada;" that Daniel Eugene McIntyre, Jacob Farrand Pringle, Oliver Groves, Donald Ban Maclellan and Corydon Josephus Mattice are the present trustees acting on behalf of the said congregation, having been duly appointed such trustees under the said first above-mentioned Act; and whereas the church edifice in which the congregation now worships is erected upon a part of lot number fifteen on the south side of Second street in the said town of Cornwall, being a part of the lands hereinafter mentioned, which said church edifice is now totally inadequate for the requirements of the said congregation; and whereas the lands and premises hereinafter mentioned are situate in the business part of the Town of Cornwall, and with the exception of the church site are at present leased to and built upon by various tenants, who hold the same under lease from the trustees of the said congregation, all of which said leases will expire at various times during the next ensuing fifteen years; and whereas the present rental value of the said property is not at all commensurate with the actual cash value of the same, the income derivable from the said rents being equivalent to an investment of the said property at less than two per centum interest on the actual cash value thereof; and whereas it is desirable that a new site should be procured on which to erect a new church edifice for the purposes of the said congregation, and that the trustees of the said congregation for the time being should be invested with additional powers with regard to the sale and disposal of the said hereinafter mentioned lands; and whereas, in consequence of the numerous buildings erected upon the said lands, and of the want of uniformity in the time when the said leases will respectively expire, it is impossible to sell the whole of the said lands in one parcel, and the said lands will have to be sold in numerous distinct parcels; and whereas at a meeting of the congregation duly called it was resolved that the lands hereinafter mentioned should be sold, that the trustees of the said congregation should be authorized to expend in the erection of a new church edifice for the congregation a sufficient sum out of the proceeds of the sales thereof, that the residue should be invested as provided by the said resolution, which said resolution of the said congregation was duly approved of by the Presbytery of Glengarry, within the bounds of which the said congregation of St. John's church is situate; and whereas it is for the benefit of the said congregation that the

said lands should be sold and the proceeds invested in manner herein provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to sell  
lands.

1. The said Daniel Eugene McIntyre, Jacob Farrand Pringle, Oliver Groves, Donald Ban MacLennan and Corydon Josephus Mattice and their successors in office shall have full power and authority to contract and to sell and to convey in fee simple free from the trusts under which the same are held, lot number fifteen on the north side of First street, and lot number fifteen on the south side of Second street in the said Town of Cornwall, in one or more parcels, from time to time, at private sale or by public auction, for cash or on credit, secured in such manner as to them seems fit, with power to buy in at any auction or auctions and to re-sell or to rescind or vary any sale or contract for sale that may have been entered into, and re-sell without being responsible for any loss or deficiency thereon, and on any sale or sales, conveyances to execute and deliver, and the consideration money to demand and receive, and to release, assign or sell any mortgages or other security that may be given for the purchase money or any part thereof.

Power to purchase a church site with proceeds of sale.

2. The trustees for the time being shall have power to purchase a new site on which to erect a church in the said Town of Cornwall, and to pay for the same out of the proceeds of the sale of the said lands.

Expenditure for new church.

3. The trustees for the time being shall have power to apply such sum as may be fixed upon by a majority of the said congregation entitled to vote present at a meeting of the said congregation duly called for such purpose, in the erection of a new church edifice.

Investment of surplus.

4. The trustees for the time being shall, after payment of all necessary and reasonable charges and expenses, and after deducting such sum or sums as may have been paid for the church site and the erection of the church edifice, invest the remainder of the moneys arising from the sales or transfers aforesaid in such a manner as may be determined on by a majority of the congregation entitled to vote, present at a meeting duly called for the purpose.

Purchasers not bound to see to application of purchase money.

5. The purchaser or purchasers shall not be responsible for the application of the moneys arising from the sale of the said lands or any part thereof.

Rights not affected.

6. Nothing in this Act contained shall be construed to affect any rights of any other person or persons in respect of said lands, nor any liens or encumbrances now existing on or against said lands.

CHAPTER



## CHAPTER 95.

## An Act respecting St. Paul's Cemetery in the Town of London East.

[Assented to 30th March, 1885.]

**W**HEREAS the rector and churchwardens of Saint Paul's Church, in the City of London, have by their petition set forth that in accordance with the provisions of the Act of the Legislature of the Province of Ontario, passed in the forty-third year of Her Majesty's reign, chapter eighty, intituled, *An Act to authorize the Rector and Churchwardens of Saint Paul's Church, in the City of London, to lease, mortgage or sell certain lands heretofore known as Saint Paul's Cemetery, and for other purposes*, all the remains of the dead have been removed from those portions of Saint Paul's Cemetery, described in sections two and three of the said Act, to "Woodland Cemetery" in the Township of Westminster, and that the remains of the dead have been to a great extent voluntarily removed by friends and relatives from the central part of Saint Paul's Cemetery, to Woodland Cemetery; and that such removals are continually taking place and have been going on for nearly five years, and that in consequence thereof Saint Paul's Cemetery has greatly lost the character and appearance of a cemetery; and that since the passing of the said Act, great expense has been incurred in further laying out and beautifying Woodland Cemetery; and whereas the rector and churchwardens have prayed that an Act be passed authorizing the removal of all the remains of the dead from Saint Paul's Cemetery to Woodland Cemetery, aforesaid: and whereas it would greatly benefit the Town of London East that such removal should take place, and that the land should be sold or leased in accordance with the provisions of the said Act; and whereas it is expedient to grant the prayer of the said petition:—

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section three of the said Act is hereby repealed and the following section substituted therefor; 43 V., c. 80,  
s. 3 repealed.

3. The said rector and churchwardens shall also have full power and authority, after giving notice, as hereinafter required, to remove of their own accord and at their own expense and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in St. Paul's Cemetery from the said place of interment to Woodland Cemetery Removal of  
remains of  
dead  
authorized.

tery

tery aforesaid, and the remains of the dead so removed shall be reinterred at the expense of the rector and churchwardens in burial places or plots corresponding in size, as nearly as may be, with those from which such remains shall have been removed.

43 V., c. 80,  
s. 8 repealed.

2. Section eight of the said Act is hereby repealed.

## CHAPTER 96.

### An Act to amend the Act incorporating the Toronto Baptist College.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS the trustees of the Toronto Baptist College have by their petition prayed for certain amendments to the Act incorporating the said trustees, being an Act passed in the forty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, intituled *An Act to incorporate the Toronto Baptist College*, with a view to securing to the denomination a more direct voice in the management of the College, and to otherwise increase the efficiency thereof; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporate  
name  
changed.

1. The name of the said corporation is hereby changed from "The Trustees of the Toronto Baptist College" to "The Toronto Baptist College."

Board of  
Trustees  
continued.

2. The board of trustees is hereby continued, and shall possess the same powers, rights and authorities as heretofore, unless where other provision is made by this Act.

College  
Senate.

3. A college senate shall be appointed, as hereinafter provided; such senate shall be composed of representatives of the following bodies:—

- (a) Of the Board of Trustees;
- (b) Of the Faculty of the College;
- (c) Of the Faculty of Acadia College;
- (d) Of the Faculty of Woodstock College;
- (e) Of the Alumni of Toronto Baptist College;
- (f) Of each of the four Conventions of the Regular Baptists in Canada, namely:—"The Baptist Missionary Convention of Ontario,"

Ontario," "The Baptist Missionary Convention, East," "The Baptist Convention of the Maritime Provinces," and "The Baptist Convention of Manitoba and the North-West."

4. (1) The representatives of the board of trustees shall be three in number, to be selected by the said board from among the members thereof annually.

Representatives of bodies entitled to representation in Senate.

(2) The representatives of the faculty of said college shall be, the president thereof for the time being, and two of the professors thereof, to be selected by the faculty annually.

(3) The representatives of the faculties of Acadia College and of Woodstock College respectively, shall be, the principal or president for the time being of each of the said colleges, and one of the professors of each of the said colleges, selected by the respective faculties annually.

(4) The representatives of the Alumni of Toronto Baptist College shall be five in number, and shall be appointed by the Alumni association of said college, and when appointed, shall continue in office for four years.

(5) The representatives of each of the said Conventions shall be: one representative for every five thousand or fraction in excess of five thousand members of Regular Baptist Churches within the bounds of said Conventions from time to time, and shall be appointed by such Conventions respectively, and when appointed, shall continue in office for four years; provided always that each convention having less than five thousand members shall have one representative.

5. If any new Convention shall be organized in Canada for the same purposes as the existing Conventions, and be recognized by the Regular Baptist denomination, every such new Convention shall thereafter be entitled to representation in said senate on the same basis as the existing Conventions; its representatives to be appointed by such Convention, and when appointed, to continue in office for four years.

New conventions to be entitled to representation.

6. After the first day of April, one thousand eight hundred and eighty-seven, no person shall be eligible for election to the said senate as a representative of the Alumni of the College who is not a graduate thereof of at least five years' standing.

Restriction as to representation of alumni of College.

7. No person shall at any time be eligible for election to a position in said senate who is not then a member in good standing of some Regular Baptist Church in Canada, and all persons accepting a position in said senate, shall be understood by such acceptance to give an unqualified assent to the same abstract of doctrines as that to which the professors of the college are required to assent, and in case any senator ceases at any time during his term of office to be a member in good standing of a Regular Baptist Church in Canada, or removes from the Dominion

Members in good standing of some regular Baptist Church in Canada alone eligible for membership of Senate.



ion of Canada, or in case a senator elected as a representative of a Convention removes beyond the bounds of the Convention which appointed him, or in case a representative of any of the said colleges severs his connection with the college from which he is a representative, he shall thereupon immediately cease to be a senator, and the vacancy thereby caused, or caused by the death or resignation of any senator, shall be filled by the body which appointed such senator.

Senate to have control of system of education and of examinations.

8. The senate so constituted shall have the control and management of the system and course of education pursued in the college, and of the examinations of the college, and shall report all its proceedings to the board of trustees at each annual meeting of the said board.

Powers of Senate as to appointment or dismissal of professors, etc.

9. The senate shall make recommendations from time to time to the board of trustees for the appointment or dismissal of professors, tutors and teachers, and shall have the right by a majority of three-fourths of the members present at a regular meeting, or at a special meeting called for that purpose, to appoint or dismiss in case the board of trustees shall have rejected two successive recommendations of different persons for the same position, or shall have refused twice to dismiss on separate recommendations of the senate for the dismissal of any professor, tutor or teacher; and no professor, tutor or teacher shall be appointed or dismissed by the board except upon the recommendation of the senate; and if the board shall fail to take definite and final action upon any recommendation submitted to it before or at any of its annual meetings within three months next after any such annual meeting, such failure shall be deemed to be a rejection or refusal within the meaning of this clause.

Quorum of Senate.

10. The quorum of the senate shall be ten, or such larger number as the senate may fix.

Meetings of Senate.

11. The senate shall hold its first meeting in McMaster Hall, in the City of Toronto, on Tuesday, the third day of November next after the passing of this Act, of which meeting public notice shall be given by advertisement, published for at least four weeks prior thereto, in the newspaper called *The Canadian Baptist*, and in the newspaper published in St. John, N.B., called the *Messenger and Visitor*, and thereafter all meetings of the said senate, regular and special, shall from time to time be held at such time and place, at such intervals, and in such manner, and subject to such rules as may be determined by the senate by statute.

Election of officers of senate.

12. The senate may elect such officers thereof from time to time, in such manner, and for such terms, as may be provided for by its statutes.

13. The doing of mission work by students of the college, or by students pursuing in any other school, college or institution a course of instruction preparatory to a theological course in said college, shall be deemed to be a purpose of the college within the meaning of the eighth section of the Act incorporating the said college.

Mission work to be a purpose of the College within 44 V., c. 87, s. 6

## CHAPTER 97.

### An Act respecting the Woodstock Methodist Cemetery.

[Assented to 30th March, 1885.]

WHEREAS George Adams, Darius C. Richmond, William Scarff, John Bickle, James Scarff, Richard Thomas Crawford and Vickerman Holtby, all of the town of Woodstock and county of Oxford, have by their petition set forth that they are trustees for the Methodist church of that parcel of land in said town containing two acres more or less, being lots numbers eleven and twelve east of Delatre street and lots numbers eleven and twelve west of Vansittart street in the said town, granted to their predecessors in trust for the site of a church, meeting house, school room and burying ground; that the church built upon said lot not proving convenient for the congregation worshipping therein, a new church was built upon another site in said town and the old lot used only as a burying ground; that the municipal council of said town prohibited the interment of the dead therein from and after the first day of June, one thousand eight hundred and eighty, and a new cemetery was acquired near the said town where members of the Methodist church and congregation at Woodstock have since been interred, and whither the remains of most of the bodies interred in the old burying ground have been removed; that they are desirous of obtaining authority to remove to the said new cemetery the contents of any graves still remaining in the said old burying ground and to sell the said lands first above mentioned; and that the Conference of the Methodist Church of Canada consented to such sale; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said trustees and their successors shall have full power and authority forthwith, after giving notice as hereinafter required, to remove of their own accord and at their own expense, in a decent and orderly manner, and without any further

Removal of remains of dead authorized.

ther notice to the friends or relatives of the dead, all the remains of the dead now interred in the lands and property in said town of Woodstock first above described, from the said place of interment to the said new cemetery near the said town, and the remains of the dead so removed in pursuance of the powers in this section granted shall be re-interred at the expense of the said trustees in burial places or plots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Notice  
of removal.

2. The said trustees before removing the remains of the dead as in the last preceding section authorized, shall, during the period of one month publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the town of Woodstock, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said old burying ground in the said town upon removing the remains to the said new cemetery near the said town will receive conveyances of burying plots in the said last named cemetery corresponding in size, as nearly as may be, with those lots from which the remains of the dead shall have been so removed; and the said trustees shall be required to procure and furnish such conveyances and to pay all reasonable expenses incurred or sustained in or by reason of such removal and re-interment in said new cemetery. In case parties owning lots in the said old burying-ground do not remove the remains therein interred and apply for conveyance of plots in the new cemetery, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and to re-inter them in separate burying plots corresponding in size, as aforesaid, in the said new cemetery, and also to remove from the said old burying-ground and to replace in the said several plots in the new cemetery all gravestones and monuments now erected in the former.

Power to lease  
or sell lands.

3. So soon as all the bodies, which are now interred in the said burying ground first above mentioned are removed as provided for above, the said trustees and their successors shall be and they are hereby authorized to lease for any term of years or to sell and convey in fee simple or for any lesser estate the whole of the lands and premises in said town of Woodstock first hereinabove mentioned and described, either by public auction or private contract, in one lot or in parcels, in such manner, for such prices, for cash or upon credit and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease or sell and convey as aforesaid the said lands free and discharged of and from all right, title, interest, claim and demand of any person or persons who may have acquired lots for burial purposes in said parcel of land or of their representatives: and the lots to be conveyed as aforesaid to such persons in the said new cemetery shall be accepted by them



them in lieu of the lots in the said old burying ground, and of all right, title, interest, claim or demand they may have in respect thereof; and no sale of said lands as aforesaid or anything done under the authority of this Act shall cause the said lands or any part thereof to revert to Her Majesty or to any person or persons whomsoever.

4. Should the said trustees sell the said lands or any part thereof and grant time for the payment of the purchase money or any portion thereof, they are hereby authorized and empowered to take and accept as security for the payment thereof mortgages from the respective purchasers on the land sold to them respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants and exercise such powers in the ordinary and usual manner.

Power to  
accept  
mortgages.

5. The moneys received by the said trustees on account of said lands shall be applied to the payment of expenses incurred by them under the provisions of this Act, to the payment of any other liabilities they may have as such trustees, and any residue may be applied towards the payment of any liabilities incurred in respect of the said new cemetery, or towards the embellishment or improvement thereof, or towards the payment of the debt upon the Methodist church in said town of Woodstock, as said trustees or their successors may deem best.

Application of  
proceeds of  
sale.

6. It shall be the duty of the said trustees and the survivor or survivors of them and their successors, to use due care and diligence that all the remains of the dead have been removed from the said lands before they lease, mortgage, or sell, as aforesaid, but the title of any lessee, mortgagee, or purchaser, shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion or portions so leased, mortgaged or sold, if it shall be made to appear to the County Judge of the County of Oxford for the time being, and if he shall so certify under his hand that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold; and such certificate shall be registered in the registry office for the said county on the production thereof to the registrar and the payment to him of one dollar as a fee for such registration.

Care to be  
taken that  
all remains are  
removed be-  
fore sale of  
land.

## CHAPTER 98.

An Act to enable the Board of Examiners to admit  
A. J. B. Halford as a Provincial Land Surveyor.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS Abraham Joseph Bartholomew Halford, of the Township of Sandwich East, in the County of Essex, in the Province of Ontario, gentleman, hath by his petition set forth that having adopted as a profession that of a Provincial Land Surveyor, passed his preliminary examination and received his certificate thereof, he became bound under articles of apprenticeship bearing date the twelfth day of April, in the year of our Lord one thousand eight hundred and eighty-one, to James S. Laird, a Provincial Land Surveyor for Ontario, for three years, and regularly and faithfully served the said James S. Laird under the said articles; and whereas the said articles were not filed and by reason thereof the said Abraham Joseph Bartholomew Halford was unable to undergo his final examination, and hath prayed that an Act may be passed authorizing the said Board of Examiners to admit him as a Provincial Land Surveyor on passing the usual final examination without having to serve another three years under articles, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

A. J. B. Halford may be admitted as a provincial land surveyor.

1. It shall and may be lawful for the said Board of Examiners in their discretion, and upon the payment of the usual fees therefor, at any time to admit the said Abraham Joseph Bartholomew Halford as a Provincial Land Surveyor, on his passing the usual final examination, notwithstanding the omission to file said articles as in the preamble mentioned, and without his compliance with any of the other requirements or provisions of law, or other rules and regulations of the said Board in that behalf, any law, custom or usage to the contrary notwithstanding.

## CHAPTER 99.

An Act to confer certain powers on the Trustees of  
the Will of the late John Lyons.

[Assented to 30th March, 1885.]

**W**HEREAS, Joseph Gibson, of the Township of York, in the County of York, Grocer, and Thomas Ford, of the City of Toronto, Cordwainer, surviving trustees and executors under the will of John Lyons, late of the said City of Toronto, deceased, have by their petition represented that the said John Lyons made and published his last will and testament as follows: "I, John Lyons, of the City of Toronto, in the County of York in the Province of Ontario, gentleman, hereby declare this to be my last will and testament—I give, devise and bequeath all my real and personal estate unto my executors and executrix, hereinafter named, upon trust, in the first place out of the rents, issues and profits thereof to pay my dear wife, Mary Ann Lyons, the sum of one thousand dollars per annum for her maintenance and support during the term of her natural life, if she shall so long continue my widow, and after her decease or second marriage to allow Mary Ann Close, my niece by marriage, daughter of James Close, of the County of Grey, to receive the rents, interests and profits of all my real estate, situate, lying and being in the City of Toronto, aforesaid, for and during the period of her natural life, and after her death to convey the said real estate to her children upon their severally attaining the age of twenty-five years, and from the time of her death until the youngest child shall attain the age of twenty-five years, aforesaid, the rents, issues and profits are to be applied to their support, and to allow Isabella Watt, wife of Matthew Andrews, of the Village of Yorkville, aforesaid, to receive all the rents, issues and profits arising from all my real estate, situate, lying and being in the said Village of Yorkville, for and during the term of her natural life, and after her death to convey the said real estate in Yorkville, aforesaid, to her children, share and share alike, and after her death to apply the rents, issues and profits in the maintenance and support of her children until they severally shall attain the age of twenty-five years; all my real estate situate, lying and being in the Township of York, to be sold by public auction at my death, the proceeds thereof to form part of my personal estate; all rents, issues and profits arising from my real and personal estate, after the payment to my wife as aforesaid, to form part of my personal estate; after the death or marriage of my said wife to pay the rents, issues and profits arising from my personal estate semi-annually to the said Mary Ann Close and Isabella Watt Andrews during the period of their natural lives, in equal portions, and in case of the death of either of them,



them, then the share of the one so dying shall be applied to the support of her child or children, if any, and if not then to her heirs, and after the death of both of them then one-half the said personal estate shall be paid to the children of the said Mary Ann Close, and if no child or children, then to her heirs, and the other half to the child or children of the said Jane Watt Andrews, each child to be paid his or her share upon his, her or their attaining the age of twenty-five years respectively; I appoint my wife and Joseph Gibson, of the Village of Yorkville, aforesaid, grocer, and Thomas Ford, of the City of Toronto, aforesaid, cordwainer, to be executors and trustees of my will; but if my wife should marry again she shall thereupon cease to be an executrix and trustee of my will, which shall thenceforth take effect and be executed in like manner as if the said Joseph Gibson and Thomas Ford had been originally appointed the sole trustees and executors; dated this eighteenth day of May, A.D. 1871; signed, John Lyons; signed by the said testator as his last will and testament in the presence of us present at the same time, who at his request, in his presence, and in the presence of each other, have subscribed our names as witnesses. Signed, Samuel Wickson, of the City of Toronto, solicitor; signed, Alexander Brown, of the City of Toronto, baker;" and that the said testator died on or about the twenty-sixth day of May, 1871; and that probate of the said will was duly granted by the Surrogate Court of the County of York on the eighth day of June, 1871, to the said Mary Ann Lyons, widow of the said John Lyons, since deceased, and the said petitioners, Joseph Gibson and Thomas Ford; and that the said Mary Ann Close named in the said will is now Mary Ann Keighley, the widow of John C. Keighley, late of the said City of Toronto, accountant, and has three children, Mary Walker Keighley, Maggie Robinson Keighley and Sarah Louise Keighley, aged respectively twelve, seven and five years; and that the real estate mentioned in the said will as being situate in the City of Toronto is composed of the following parcels of land, namely: firstly, that certain parcel or tract of land situate in the said City of Toronto, containing 7,800 square feet, more or less, composed of part of Park Lot Number Eight, in the first concession from the bay described as follows: commencing at a point on the east side of Yonge street at the distance of 95 chains and 47 28-33 links on a course north, 16 degrees west from the south-west angle of the said park lot, then north 16 degrees, west 60 feet, then north 74 degrees east 130 feet, then south 16 degrees east 60 feet, then south 74 degrees west 130 feet to the place of beginning; secondly, that parcel or tract of land situate in the said City of Toronto being composed of part of the rear part of Park Lot Number Nine, described as follows: commencing at a point on the south side of Bloor street at a distance of 120 feet westerly from the north-east angle of said park lot nine, then westerly along the said south side of Bloor street 45 feet, then southerly parallel to Yonge street 66 feet, then easterly parallel to Bloor street 45 feet, then northerly parallel to Yonge street

66 feet to the place of beginning; together with the right of way in common over a lane ten feet wide adjoining the said property on the west; thirdly, that parcel or tract of land in the said City of Toronto composed of part of the said rear part of park lot number nine, described as follows: commencing at the north-east angle of said park lot number nine, being the intersection of the southerly limit of Bloor street with the westerly limit of Yonge street, then southerly along the westerly limit of Yonge street 66 feet, then westerly parallel to Bloor street 120 feet, then northerly parallel to Yonge street 66 feet, more or less, to the southerly limit of Bloor street, then easterly along the southerly limit of Bloor street 120 feet to the place of beginning; and that upon the said parcel firstly described there is a wooden cottage, and upon the said parcel secondly described there are two wooden cottages, all of which were erected in the lifetime of the said testator, and were at the time of his death a source of reasonable income, but which have since become old and greatly deteriorated in value, and by reason thereof and of the changes in the condition and value of real estate in the neighbourhood have ceased to be a source of income, as the rentals thereof are insufficient to pay for taxes and insurance and adequate repairs, and the said cottages are rapidly and unavoidably deteriorating, and likely to become a charge and burden upon the said estate; and that the said parcel firstly hereinbefore described has become valuable for building purposes of a better character than the said cottages, and is likely in the course of time to increase in value; and that for the expenditure of about \$4,500 there could be erected upon the said parcel of property four stores, which would each yield a considerable rental and prove a valuable investment for the estate; and that the said trustees and executors have in their hands, belonging to the said Mary Ann Keighley and her children, the sum of \$4,600, or thereabouts, held upon the like trusts as the said real estate; and that it would be of great advantage to the said Mary Ann Keighley and her children if the said trustees were empowered to invest the sum of \$4,500, or thereabouts, of the moneys in their hands in the improvement of the said estate by the erection of stores upon the said firstly described parcel; and that it would also be greatly to the interest and advantage of the said Mary Ann Keighley and her children if the said secondly described parcel were sold and the proceeds thereof invested and held by the said trustees upon the trusts declared in the said will, or expended in manner above mentioned in improvements upon the said firstly described parcel of land; and that the said John C. Keighley departed this life on the third day of February, A.D. 1885, leaving him surviving the said Mary Ann Keighley, his widow, and the said three children, who are altogether dependent for their support upon the income derived from the said real estate and the moneys hereinbefore mentioned in the hands of the said trustees, which altogether in the present condition of the said estate does not amount to more than

than the sum of \$500 per annum, and is likely to become materially decreased, and the said trustees have therefore, with the consent and concurrence of the said Mary Ann Keighley, petitioned for an Act to enable them to sell the said parcel of land hereinbefore secondly described, and to enable them to invest the moneys of the said estate in the manner hereinbefore mentioned; and it is expedient to grant the prayer of the said petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to  
Trustees to  
improve prop-  
erty.

1. The said Joseph Gibson and Thomas Ford, their heirs and assigns, trustees as aforesaid, are hereby declared to have and shall have power with the concurrence of the said Mary Ann Keighley, or if she be under any disability or incapacity, or be dead, then at their own discretion, to invest a sum or sums from time to time, not exceeding in the whole \$5,000, of the moneys which are now or may hereafter be held by them under the said will upon trust for the said Mary Ann Keighley and her children in the improvement of the said firstly described parcel of property in the manner aforesaid to such an extent as they may deem advisable, and according to such plans and specifications as to them may seem suitable.

Power to sell

2. The said Joseph Gibson and Thomas Ford, their heirs and assigns, trustees as aforesaid, are hereby declared to have and shall have power with the concurrence of the said Mary Ann Keighley, or if she be under any disability or incapacity, or be dead, then at their own discretion to sell and dispose of the said parcel hereinbefore secondly described, upon such terms and for such prices as to them may seem advisable, the proceeds of sale to be held upon the like trusts as the said parcel of land was held according to the terms of the said will, with the additional powers of investment conferred by the first section of this Act.

Power to  
convey.

3. The said trustees, their heirs and assigns, trustees as aforesaid, and the said Mary Ann Keighley, are respectively hereby declared to have and shall have power for the purposes aforesaid to execute all deeds and conveyances necessary for the conveyance of the said lands and the purposes of this Act.



## CHAPTER 100.

An Act to authorize Seaman Hullett McDonald to practise dental surgery in the Province of Ontario.

[Assented to 30th March, 1885.]

WHEREAS Seaman Hullett McDonald has by his petition set forth that for some years previous to the year one thousand eight hundred and sixty eight he had been constantly engaged in an established office practice in the practice of the profession of dentistry, and that he was then and now is a British subject, but inadvertently omitted to present himself for examination for a certificate of practice as a dentist upon the passing in that year within this Province of *An Act respecting Dentistry*, and that he has since the passing of said Act practised as a dentist in the United States of America, and also done dentist work in the offices of licensed dentists in Ontario for such dentists, and is now thoroughly competent to do such work; and whereas the said Seaman Hullett McDonald has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the said Seaman Hullett McDonald to practise dental surgery in all its departments within the Province of Ontario, and to charge regular fees therefor, and collect the same in as full and ample a manner as if he had taken out, obtained and held a certificate of license to practise dentistry under the said *Act Respecting Dentistry* or under any Act now in force in this Province respecting dentistry.

S. H. McDonald authorized to practise dentistry.

## CHAPTER 101.

An Act to extend the provisions of the Act empowering the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford.

[Assented to 30th March, 1885.]

Preamble.

WHEREAS Charles Gamon of the Town of Collingwood, in the County of Simcoe, barrister at law, Edward William Spragge of the City of Toronto, in the County of York, doctor of medicine, and Alfred McDonald Knight of the said Town of Collingwood, gentleman, the trustees for the time being under the Will of the late Joseph Bitterman Spragge, of the Township of Blenheim in the County of Oxford have, by their petition, represented that there are certain lands in the said Township of Blenheim undisposed of under the provisions and powers contained in a certain Act of Parliament, passed in the thirty-fourth year of the reign of Her present Majesty, and chaptered one hundred, intituled *An Act to empower the Trustees under the Will of the late Joseph Bitterman Spragge, to sell certain lands in the Township of Blenheim and County of Oxford*, and have prayed for the passing of an Act to extend the provisions of the last mentioned Act for the term of ten years, and to enable the said trustees to sell and convey the remaining unsold lands in the said Township of Blenheim, belonging to the said estate, and it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

Time limited by 34 V., c. 100 s. 3, extended.

1. The time limited in section three of the Act passed in the thirty-fourth year of Her Majesty's reign and chaptered one hundred, for the sale, disposition and conveyance of certain lands belonging to the trust estate under the Will of the said late Joseph Bitterman Spragge, is hereby extended ten years from the passing of this Act.

Trustees to have power to sell lands in Blenheim.

2. The said trustees or trustee for the time being shall have full power and authority to sell and absolutely dispose of all and every or any part of the unsold lands situate in the said Township of Blenheim, belonging to the estate of the said testator, Joseph Bitterman Spragge, with the appurtenances as they in their discretion shall see fit, to any person or persons whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable and to be secured by instalments, mortgages or otherwise, as to the trustees or trustee for the time being shall seem

seem reasonable; the consent, in writing, of Eliza Frances Lett of the said town, widow, to such sale being first obtained; and any deed executed by such trustees as aforesaid, shall vest in the purchaser, a full, clear and absolute title to the said lands, subject only to any leases thereof or rights therein, now existing or granted by competent authority prior to such sale, and also to any mortgage that may be executed thereof, to secure all or any of the purchase money thereof.

3. The proceeds of such sales, after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid or as the same may come in from any investment, shall be invested by the said trustees or trustee for the time being, in Government stock or securities of the Dominion of Canada, or upon the security of freehold real estate, of ample value, in the Province of Ontario, the consent, in writing, of the said Eliza Frances Lett being first obtained thereto, and the said trustees shall hold and apply the principal and interest represented by, or derivable from such sales and investments upon the same trusts and for the same ends, intents and purposes expressed in the will of the said testator, with respect to the said Blenheim lands, and subject to the same rules and incidents with respect to the devolution thereof, and otherwise, as if the Blenheim lands still remained realty.

4. The trust and power of sale authorized by this Act are to be exercised within ten years from the passing thereof.

Investment of  
the proceeds of  
sales.

Power of sale  
to be exercised  
within ten  
years.





1885.—48 VICTORIA.

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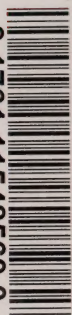
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